

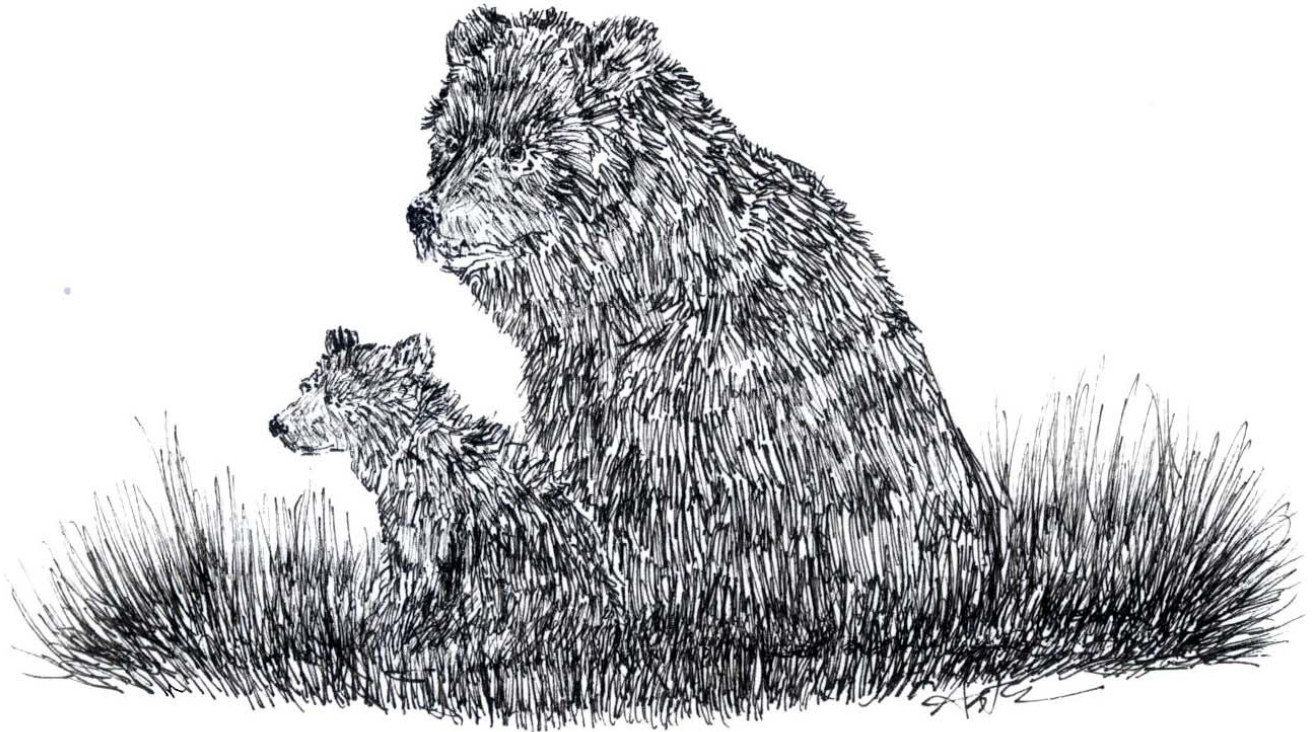


United States  
Department of  
Agriculture  
Tongass  
National Forest  
R10-MB-702  
September 2009



# **Wrangell Outfitter and Guide Management Plan**

## **Decision Notice and Finding of No Significant Impact**







United States  
Department of  
Agriculture

Forest  
Service

Alaska Region  
Tongass National Forest  
Wrangell Ranger District

P.O. Box 51  
Wrangell, AK 99929-0051  
Phone: (907) 874-2323  
Fax: (907) 874-7595

**File Code:** 1950-11 Project Environmental  
Assessment

**Date:** September 10, 2009

Dear Planning Participant:

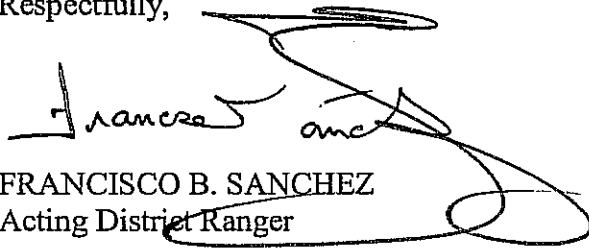
Enclosed is your copy of the Decision Notice and Finding of No Significant Impact (FONSI) for the Wrangell Outfitter and Guide Management Plan, Wrangell Ranger District, Tongass National Forest. The Wrangell Outfitter and Guide Management Plan Environmental Assessment (EA) was distributed for public comment on July 16, 2009. The 30-day comment period ended August 31, 2009.

As District Ranger, I am responsible for this decision. The Decision Notice explains my decision to select Alternative 3, as modified, and the factors considered in reaching this decision. Information concerning implementation of this decision and appeal rights are also included in the Decision Notice.

Copies of the EA, Decision Notice, and FONSI may be obtained from the Wrangell Ranger District office, located in Wrangell, Alaska, or by calling (907) 874-2323. The documents are also available online at <http://www.fs.fed.us/r10/tongass/projects/projects.shtml>.

I want to thank those of you who took the time to review and submit comments during the project's development. Hearing views of the public and other agencies is vital to making an informed and reasonable decision. Your interest in the management of the Tongass National Forest helps make living in southeast Alaska better for everyone.



Respectfully,

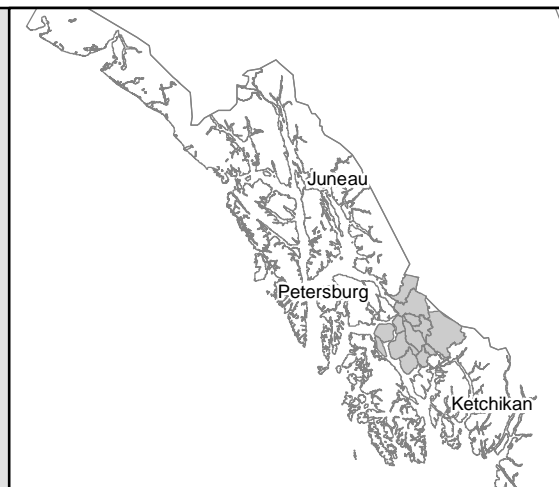


FRANCISCO B. SANCHEZ  
Acting District Ranger

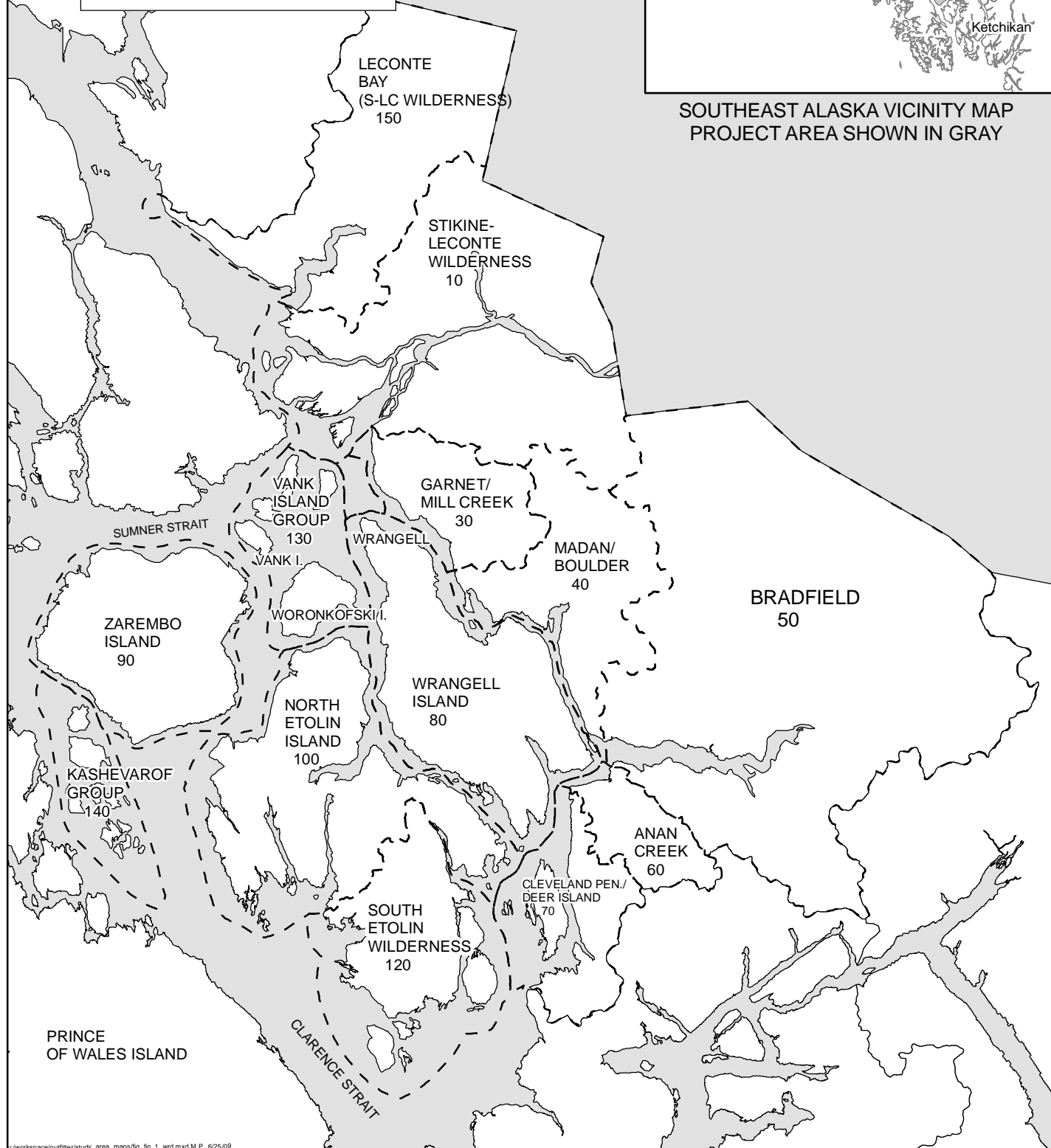


# Wrangell Ranger District Study Areas Figure 1

 Study Area Boundary  
 Water



SOUTHEAST ALASKA VICINITY MAP  
PROJECT AREA SHOWN IN GRAY



**Decision Notice  
and  
Finding of No Significant Impact  
for  
Wrangell Outfitter and Guide Management Plan  
Environmental Assessment**

**USDA Forest Service  
Wrangell Ranger District, Tongass National Forest  
Wrangell, Alaska**

This Decision Notice contains a brief summary of the environmental analysis completed for the Wrangell Outfitter and Guide Management Plan as well as my decision regarding which alternative to implement and the rationale for my decision. It also contains certain Findings required by various laws, and information concerning the right to Administrative Review of this decision. The Environmental Assessment completed for this project is incorporated by reference in this decision document.

This Decision Notice documents my decision concerning the Environmental Assessment (EA) for the Wrangell Outfitter and Guide Management Plan. The EA documents the analysis of a no-action and two action alternatives that examine the potential impacts of outfitter and guide use on National Forest System (NFS) lands on the Wrangell Ranger District (Figure 1). The EA and a letter indicating a tentative selection of Alternative 3 were sent to interested publics on July 16, 2009, and to those who participated during the analysis process.

This decision is based on the results and findings of the EA, which included a review of the Biological Assessment (EA, Appendix C), the Recreation Use Carrying Capacity Report (EA, Appendix A), and the Determination of Need for Commercial Services for the Stikine-LeConte Wilderness and South Etolin Wilderness Areas (Wilderness Need Assessments); response to public comments; and a review of the Forest Plan. The EA is available for public review at the Wrangell Ranger District located in Wrangell, AK, and on the Forest Service website at:

[http://www.fs.fed.us/r10/tongass/projects/Wrangell\\_Outfitter\\_Guide\\_EA/Wrangell\\_O\\_G\\_Management\\_Plan\\_EA\\_final.pdf](http://www.fs.fed.us/r10/tongass/projects/Wrangell_Outfitter_Guide_EA/Wrangell_O_G_Management_Plan_EA_final.pdf).

## **Decision and Rationale**

It is my decision to allocate use to outfitters and guides based on a modified version of Alternative 3 (Wilderness Allocation). This modified alternative (the Selected Alternative) will allocate use as proposed in Alternative 3 for all but one study area within the project area (Table 1). For LeConte Bay (Study Area 150) outfitter and guide use allocation will be 593 RVDs as proposed in Alternative 2. The additional 356 RVDs made available to outfitters and guides in the Selected Alternative allows for some growth in the industry based on average (375 RVDs) and maximum (519 RVDs) actual use numbers in Study Area 150. The Selected Alternative best meets the Purpose and Need identified in the EA and Forest Plan objectives and guidelines. Implementing the Selected Alternative will:

- Respond to special use permit applications;
- Allocate appropriate outfitter and guide use on the District while recognizing the special values within the South Etolin and Stikine-LeConte Wilderness areas;
- Manage outfitter and guide use on the District to minimize potential impacts to all resources;
- Be consistent with national special uses policy and regulation.



LeConte Glacier, Wrangell Ranger District, Tongass National Forest. Photograph by Marina Whitacre

Table 1. This table summarizes, by study area, total available net recreation visitor days (RVDs), RVDs available to outfitters and guides by alternative, and notes on the changes of available RVDs since the 2004 update. For an explanation of RVD changes by recreation place, see Table D in Appendix A of the EA.

<b>Study Area</b>	<b>Total Available Net RVDs</b>	<b>Alt 1 No Action 2004</b>	<b>Alt 2 Proposed Action</b>	<b>Alt 3 Wilderness Alternative</b>	<b>Selected Alternative</b>	<b>Notes on changes from 2004 to 2009</b>
<b>10</b> Stikine-LeConte Wilderness	72,301	6,020	7,014	2,806	2,806	Three recreation places were added in 2009, and one was deleted. Total recreation place acres decreased by 13,712 <sup>1</sup> and Length of Stay (LOS) increased in 15 recreation places due to commercial availability of FS cabins and to better reflect actual site availability.
<b>30</b> Garnet/Mill Creek	5,018	83 <sup>2</sup>	502	502	502	Recreation place acres increased by 11; LOS increased for 2 of the 3 recreation places.
<b>40</b> Madan/Boulder	6,450	504	645	645	645	Five recreation places added; day and overnight LOS increased in existing recreation places; ROS coefficient increased at Madan Bay to provide additional RVDs for O/G use.
<b>50</b> Bradfield	4,343	701	1,086	1,086	1,086	Day LOS increased for several recreation places; ROS coefficient was increased at Lower Marten Creek recreation place to provide additional RVDs for O/Gs; increased Persons at One Time (PAOT) to meet cabin capacity at Lower Marten Lake.
<b>60</b> Anan	962	97	134	134	134	New recreation place (Anan Wildlife Observatory - Shoulder Season) added in 2009 (originally in Anan EA).

<sup>1</sup> In the EA, a decrease of 25,219 recreation place acres was reported. This was an error due to double counting 2004 recreation place acres in those that had multiple LOS values or managed seasons of use (MSU).

<sup>2</sup> In the 2008 Scoping letter, 4,447 RVDs were reported. This was an error. Nothing changed in this study area during the 2004 and 2009 update - the RVDs are same as in 1997 (83).

Study Area	Total Available Net RVDs	Alt 1 No Action 2004	Alt 2 Proposed Action	Alt 3 Wilderness Alternative	Selected Alternative	Notes on changes from 2004 to 2009
<b>70</b> Cleveland Pen/Deer Island	13,157	591	3,289	3,289	3,289	This study area has changed considerably since the 1997 EA and 2004 update. As a result, the previous RVDs cannot be compared to 2009's. In 1997 and 2004, Study Area 70 did not include Deer Island and other nearby islands, which are now in the study area. New recreation places were added and some were enlarged to reflect existing use.
<b>80</b> Wrangell Island	149,920	1,700	7,583	7,583	7,583	Day and overnight LOS and acreage increased for many recreation places.
<b>90</b> Zarembo Island	142,826	2,107	4,748	4,748	4,748	Day and overnight LOS increased for many recreation places.
<b>100</b> North Etolin Island	60,023	1,230	7,084	7,084	7,084	Five recreation places were added to this study area for an increase of 1,677 acres. Day and overnight LOS increased for many of the recreation places.
<b>120</b> South Etolin Wilderness	20,018	615	2,002	2,002	2,002	Alternatives 2 and 3 allow for an increase in the capacity allocation in the South Etolin Wilderness. This increase reflects the addition of recreation place acres based on recent use patterns. When more acres are utilized, allocation may be increased without affecting the user's wilderness experience since the use is dispersed.
<b>130</b> Vank Island Group	4,150	1,675	167	167	167	This study area has changed considerably since the 1997 EA and 2004 update. As a result, the previous RVDs cannot be compared to 2009's. In 1997 and 2004, Study Area 130 included the Kashevarof Island Group (now Study Area 140), the Vank Island Group, Deer Island and other islands.



<b>Study Area</b>	<b>Total Available Net RVDs</b>	<b>Alt 1 No Action 2004</b>	<b>Alt 2 Proposed Action</b>	<b>Alt 3 Wilderness Alternative</b>	<b>Selected Alternative</b>	<b>Notes on changes from 2004 to 2009</b>
<b>140</b> Kashevarof Island Group	5,909	-	500	500	500	Study Area 140 was added in 2009. The Kashevarof Island Group was previously part of Study Area 130.
<b>150</b> LeConte Bay (Stikine-LeConte Wilderness)	5,933	1,432	593	237	593	Acres in Study Area 150 decreased in 2009 to reflect the acres that users actually visit. The RVDs available for allocation in the Selected Alternative accommodates recent existing commercial uses, allowing for some growth.
<b>Total</b>	<b>491,010</b>	<b>16,755</b>	<b>35,347</b>	<b>30,783</b>	<b>31,139</b>	

## Public Involvement

The Wrangell Outfitter and Guide Management Plan EA was first listed on the Schedule of Proposed Activities (SOPA) in April 2008. At that time it was proposed jointly with the Petersburg Ranger District portion of the 1997 Stikine Area Outfitter and Guide EA. In June 2008 approximately 360 scoping letters were mailed requesting comments on the Proposed Action. The project was also presented at two public meetings in 2008, one in Petersburg, and one in Kake. Also in June 2008, the Wrangell Ranger District (WRD) attended a Wrangell Cooperative Association meeting to consult with the tribe, and presented letters inviting consultation on the project. Based on public comment, it was determined that each ranger district would complete separate environmental documents and decisions related to outfitter and guide use.

An EA and letter indicating a tentative selection of Alternative 3 was sent to approximately 100 interested publics on July 16, 2009, and to those who participated during the analysis process. One the same day, a News Release was sent to 15 Alaska media outlets. The 30-day comment period on the EA began July 21, 2009, with the publication of the Notice of Availability in the *Ketchikan Daily News*, and ended August 31, 2009. One comment letter was received from the State of Alaska, ANILCA Implementation Program, Office of Project Management and Permitting.

The main concerns from the State were regarding the use and availability of the Stikine-LeConte and South Etolin Wilderness Determination of Need for Commercial Services (Wilderness Needs Assessments), the restricted guided steelhead fishing in the Bradfield area and an over-simplified statement regarding the coordination of subsistence management between the state and federal agencies. The WRD would like to correct the subsistence management statement (EA, Chapter 2, page 11, Wildlife, 1<sup>st</sup> paragraph). The state is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources for the State of Alaska on the sustained yield principle. The Federal Subsistence Board is responsible for ensuring that the taking on federal public lands of fish and wildlife for non wasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes<sup>3</sup>. The State's letter and Forest Service's response is included in the project record.

## Issues

The WRD identified three key issues which were addressed in the EA: provide for the demand of recreation opportunities of the guided and unguided forest users; provide stable business opportunities for the outfitter and guide industry; and protect potentially affected forest resources.

## Alternatives Considered

I also considered Alternative 1 (No Action) and recommendations from Alternative 2 (Proposed Action). A comparison of these alternatives can be found in the EA, pages 2-14 through 2-17 (Tables 2.2 and 2.3).

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<sup>3</sup> From the MOU for Coordinated Interagency Fish and Wildlife Management for Subsistence Uses on Federal Public Lands in Alaska between the Federal Subsistence Board and the State of Alaska, signed December 2008.

### ***Alternative 1***

Alternative 1 (No Action) represents the current management of the outfitter and guide special uses program, which is based on the 2004 update of the June 1997 Stikine Area Recreation Use Carrying Capacity Report. Outfitters and guides are allocated up to 10 percent of the study area capacity within, and up to 25 percent outside, of an identified home range. Based on these allocation guidelines, approximately 16,755 recreation visitor days (RVDs) are available to outfitters and guides (EA, Chapter 2, pp. 2-3).

### ***Alternative 2***

Alternative 2 (Proposed Action) proposes to allocate outfitter and guide use permits based on the 2009 Wrangell Recreation Use Carrying Capacity Report (CCR). Similar to the No Action Alternative, the Proposed Action allocates outfitters and guides up to 10 percent of the study area capacity within, and up to 25 percent outside, an identified home range; however, there are four exceptions.

These exceptions include:

- The Anan Wildlife Observatory was evaluated in the 1996 Anan Management Standards EA and was not part of the 1997 Outfitter and Guide Environmental Assessment or the update in 2004. However, the 2009 CCR calculations include Anan's shoulder season (before and after the high use season of July 25 through August 25). We are not proposing any changes to the existing high use visitor season, which allows 64 visitors a day during the 52-day peak season.
- The commercial sector will be allocated up to 10 percent (rather than up to 25 percent) of the net RVDs for South Etolin Wilderness area. The Wilderness area is outside the home range of Wrangell, but due to high historical use, site impacts, and the desire to maintain Wilderness character, less commercial use will be allocated.
- Ten recreation places<sup>4</sup>, due to high acreages, resulted in high RVD allocation to the commercial sector. In these recreation places, up to ten percent of the available commercial use RVDs may be allocated to outfitters and guides<sup>5</sup>. This will not result in any allocations below the level of historical use.
- In recreation places 22002.00, 22005.00 and 22017.00 (Study Area 50, Bradfield Canal) and recreation place 22012.00 (Study Area 60, Anan), allocated use for steelhead fishing in the tributaries of the Bradfield Canal and Anan Creek will be maintained within the most recent 5-year range of actual use. This is an effort to preserve the current recreation experience in these areas.

Based on these allocation guidelines and new information presented in the 2009 Carrying Capacity Report, such as changes in study area boundaries and historical use patterns, the Proposed Action allocates up to 35,347 RVDs to outfitters and guides (EA, Chapter 2, pp. 3-4).

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<sup>4</sup> These include recreation places 22092.04, 22092.07, 22094.08 in Study Area 80 (Wrangell Island); recreation places 22043.00, 22043.02, 22043.03, 22043.04, 22043.05 and 22043.12 in Study Area 90 (Zarembo Island); and recreation place 22089.01 in Study Area 140 (Kashevarof Island Group).

<sup>5</sup> In addition to the ten aforementioned recreation places, there are four more adjusted to ten percent of the available commercial use RVDs to take into account a sensitive ecosystem (22094.06 in Study Area 80) or to maintain the prescribed recreation experience (22026.32 in Study Area 10; 22054.03 in Study Area 130; and 22088.01 in Study Area 140).

### ***Alternative 3***

Alternative 3 (Wilderness Allocation) strives to meet specific objectives of the Wilderness Act, specifically those related to commercial services. For the Stikine-LeConte Wilderness (Study Area 150 and some recreation places in Study Area 10), this alternative proposes to allocate up to four percent of the capacity within and up to 10 percent outside, the identified home range, to outfitter and guide use. For the South Etolin Wilderness (Study Area 120) this alternative allocates up to 10 percent of the capacity (rather than up to 25 percent), as explained in Alternative 2.

For areas outside of designated Wilderness, allocation of RVDs remains the same as Alternative 2 and includes the four exceptions to the 10 and 25 percent Proposed Action. This alternative allocates up to 30,783 RVDs to outfitter and guides (EA, Chapter 2, pp. 4-5).

## **Findings Required by Other Laws and Regulations**

### ***2008 Tongass Land and Resource Management Plan Amendment***

This decision to implement the Selected Alternative is consistent with the intent of the 2008 Forest Plan Amendment's long-term goals and objectives. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines.

### ***ANILCA Section 810, Subsistence Evaluation and Finding***

The effects of this project have been evaluated to determine potential effects on subsistence opportunities and resources. There is no documented or reported subsistence use that would be restricted as a result of this decision. For this reason, none of the alternatives would result in a significant possibility of a significant restriction of subsistence use of wildlife, fish, or other foods.

### ***Coastal Zone Management Act of 1972 (as amended) and the Alaska Coastal Zone Management Program (ACMP)***

Under the Coastal Zone Management Act (CZMA) of 1972, activities conducted by the Forest Service that affect the coastal zone must be consistent, to the maximum extent practicable, with the enforceable policies of the Alaska Coastal Management Program (ACMP). In addition, activities affecting the coastal zone that are conducted by non-federal parties under a Forest Service permit must also be consistent with the ACMP. The types of Forest Service permits that the State of Alaska and the Forest Service have agreed are likely to affect the coastal zone—and therefore require ACMP consistency review of the permit applicant's proposal—are listed in section 302 of the Memorandum of Understanding (MOU) between the State and the Forest Service on CZMA/ACMP consistency reviews. The types of special use permits that will be authorized for issuance by this decision are not among those listed in the MOU as requiring ACMP review.

### ***Endangered Species Act of 1973***

Biological Evaluations have been completed for this action which indicates that no federally listed threatened or endangered species will be affected by this activity.

### ***National Historic Preservation Act of 1966***

The Forest Service program for compliance with the National Historic Preservation Act (NHPA) includes locating, inventorying and evaluating the National Register of Historic Places eligibility of historic and archeological sites that may be directly or indirectly affected by scheduled activities. Regulations (36 CFR 800) implementing Section 106 of the NHPA require Federal agencies to consider the effects of their actions on sites that are determined eligible for inclusion in or are listed in the National Register of Historic Places (termed "historic properties"). The Alaska Region of the USDA Forest Service, the Alaska State Historic Preservation Officer, and the Advisory Council on Historic Preservation have established streamlined Section 106 review guidelines and stipulations in a Programmatic Agreement (USDA 2002).

Outfitter and guide use is not expected to result in the discovery or disturbance of human remains. However, if human remains are discovered, they will fall under the inadvertent discovery provisions of the Native American Graves Protection and Repatriation Act (NAGPRA).

Outfitter and guide use is also not expected to restrict Alaska Native access to traditional religious or spiritual sites that are protected under the American Indian Religious Freedom Act (AIRFA) and Forest Service standards and guidelines for the treatment of sacred sites (USDA 2008, p. 4-19).

A Forest Service archeologist has reviewed this project and made a determination of No Historic Properties Affected in the area of potential effect for the proposed project. Obligations using modified procedures of the 36 CFR 800 review process, as defined in the Programmatic Agreement, have been met.

### ***Floodplain Management (Executive Order 11988)***

No outfitter and guide permits will be issued that seek to permanently develop floodplains within the project area. It is expected that none of the outfitter and guide activities will affect velocity or location of flows or width and depth of water. Therefore, no measurable short or long-term effects for floodplains are anticipated under any alternative.

### ***Protection of Wetlands (Executive Order 11990)***

No outfitter or guide activities that result in long-term impacts (filling, dredging, etc.) to wetlands will be permitted under this document (USDA Forest Service Manual 2527.01-04).

### ***Recreational Fisheries (Executive Order 12962)***

Federal agencies are required, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities. As required by this Order, I have evaluated the effects of this action on aquatic systems and recreational fisheries and documented those effects relative to the purpose of this order. Since there are no effects to fisheries resources within the project area, there will be no direct, indirect or cumulative impacts related to this Order.

### ***Environmental Justice/Civil Rights (Executive Order 12898)***

I have determined that in accordance with Executive Order 12898 this project does not have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

### ***Magnuson-Stevens Fishery Conservation Act of 1996***

Essential Fish Habitat (EFH) is the water and substrate necessary for fish spawning, breeding, feeding, or growth to maturity. The marine EFH in Alaska includes estuarine and marine areas from tidally submerged habitat to the 200-mile exclusive economic zone (EEZ). The freshwater EFH includes streams, rivers, lakes, ponds, wetlands, and other bodies of water currently and historically accessible to salmon. EFH for Pacific salmon recognizes six critical life history stages: (1) spawning and incubation of eggs, (2) juvenile rearing, (3) winter and summer rearing during freshwater residency, (4) juvenile migration between freshwater and estuarine rearing habitats, (5) marine residency of immature and maturing adults, and (6) adult spawning migration. Habitat requirements within these periods can differ significantly and any modification of the habitat within these periods can adversely affect EFH.

Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act states that all federal agencies must consult the National Marine Fisheries Service (NMFS) for actions or proposed actions that may adversely affect Essential Fish Habitat. The Act promotes the protection of EFH through review, assessment, and mitigation of activities that may adversely affect these habitats. On August 25, 2000, the Forest Service, Alaska Region, and NMFS came to an agreement on how consultation will be accomplished in Alaska.

The Wrangell Outfitter and Guide Management Plan EA satisfies the consultation requirements by providing a description and assessment of EFH in the project area, a description of the Wrangell Outfitter and Guide Management Plan and its potential impacts on these habitats, and a description of the mitigation measures that would be implemented to protect these habitats. The formal consultation starts when NMFS receives a copy of the Environmental Assessment with the EFH Assessment. NMFS may then respond in writing as to whether it concurs with the findings of the assessment or make conservation recommendations. The USDA Forest Service must respond to any recommendations made by NMFS within 30 days. For specific information on the location and the alternatives under consideration, please refer to the EA.

The project area includes the entire land area of the Wrangell Ranger District of the Tongass National Forest. The streams and lakes within the project area support a variety of anadromous and resident fish species. Anadromous species that spawn in freshwater streams or lakes in the project area include: pink salmon (*Oncorhynchus gorbuscha*), chum salmon (*O. keta*), sockeye salmon, (*O. nerka*), coho salmon (*O. kisutch*), chinook salmon (*O. tshawytscha*), coastal cutthroat trout (*O. clarkii*), steelhead (rainbow) trout (*O. mykiss*), and Dolly Varden char (*Salvelinus malma*). The project area also supports resident populations coastal cutthroat trout (*O. clarki*), rainbow trout (*O. mykiss*), Dolly Varden char (*Salvelinus malma*), and non-game fish species including sculpin (*Cottus spp.*) and three-spined stickleback (*Gasterosteus aculeatus*).

The analysis area provides a large amount of EFH and includes all of the freshwaters on the Wrangell Ranger District. Since no Marine Access Facilities would be utilized for the proposed project, marine habitats would not be affected and are therefore not analyzed with this project.

This EA would authorize a variety of outfitted and guided activities around the Wrangell Ranger District. The Aquatic Resources section of the EA specifically examines the effects of outfitted and guided sport fishing, which is the primary activity that would affect EFH, on the aquatic resources around the District.

The Forest Service believes that the Wrangell Outfitter and Guide Management Plan EA may adversely affect EFH. However, the effects, as described in the EA, will be minimal or virtually immeasurable. By implementing Forest Plan Standards and Guidelines, Best Management Practices, and Outfitter and Guide permit stipulations, effects to EFH should not occur. Additional impacts to EFH may occur only from unforeseen events.

### ***National Forest Management Act***

All project alternatives fully comply with the Forest Plan. This project incorporates all applicable Forest Plan Standards and Guidelines and management area prescriptions as they apply to the project area, and complies with Forest Plan goals and objectives. All required interagency review and coordination has been accomplished; new or revised measures resulting from this review have been incorporated.

The Forest Plan complies with all resource integration and management requirements of 36 CFR 219 (219.14 through 219.27). Application of Forest Plan direction for the Wrangell Outfitter and Guide Management Plan ensures compliance at the project level.

### ***Bald Eagle Protection Act***

The Bald Eagle Protection Act provides for special management for the bald eagle. Bald eagle habitat will be managed in accordance with the Interagency Agreement established with USFWS to maintain habitat to support the long-term nesting, perching, and winter roosting habitat capability for bald eagles. Coordinate with USFWS for bald eagle habitat management.

Bald eagle nests are protected under agreement with the U.S. Fish and Wildlife Service. Currently, a 330-foot radius protective habitat management zone surrounds all identified bald eagle nest trees (USDI 2002) and a 1,000 foot beach buffer is maintained along the shoreline (USDA 2008, p. 3-239). Activities of outfitters and guides in all alternatives will be restricted away from nest trees through the permitting process.

### ***Federal Cave Resource Protection Act***

No known significant caves in the project area will be directly or indirectly affected by project activities. Forest Plan Karst and Caves Standards and Guidelines are applied to areas known or suspected to contain karst resources.

### ***Clean Water Act***

This decision does not authorize any ground disturbance, or use of or discharge of potential pollutants. Implementation will not result in non-point or point sources of pollution; therefore the project is fully compliant with the Clean Water Act.

### ***Clean Air Act***

No emissions are anticipated from the implementation of any project alternative; therefore the State of Alaska ambient air quality standards (18 AAC 50) will not be exceeded.

### ***Executive Order 11593***

Executive Order 11593 directs federal agencies to provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. The work accomplished in accordance with Section 106 of the National Historic Preservation Act for the Wrangell Outfitter and Guide Management Plan meets the intent of this Executive Order.

### ***Executive Order 12962***

With the application of Forest Plan Standards and Guidelines, including those for riparian areas, no significant adverse effects to freshwater or marine resources will occur.

### ***Effects on Prime Farm Land, Range Land, and Forest Land***

No prime farm land or range land exists in the project area. Forest land will maintain its productivity.

### ***Threatened, Endangered and Sensitive Species (TES)***

A biological evaluation was completed for TES plants. A biological evaluation/assessment was completed for TES vertebrates. Consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to review the effects of this project on threatened, endangered, and proposed species is not required. ESA does not require consultation for “no effect” determinations. Standards and guidelines have been applied as needed to ensure that any listed threatened or endangered species or its habitat will not be adversely affected. The Forest Plan contains standards and guidelines for each designated sensitive species, and these are incorporated into the project as applicable.

### ***Wild and Scenic Rivers Act***

No alternative will affect rivers eligible for Wild and Scenic River designation.

## **Federal and State Permits, Licenses, and Certifications**

No permits, licenses, or certifications were required for this project.

## **Finding of No Significant Impact**

I have reviewed the Environmental Assessment for this project using criteria identified in implementing regulations for the National Environmental Policy Act (40 CFR 1508.27). Based on the Environmental Assessment and the findings displayed above, I have determined that this is not a major action that will have a significant effect on the human environment and therefore does not require the preparation of an Environmental Impact Statement. I base my finding on the following:

*1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*



Chapter 3 of the EA describes effects that are both beneficial and adverse. Regardless of the beneficial effects, no adverse effects were identified that would cross the threshold of NEPA significance or otherwise warrant the preparation of an EIS for this project.

*2) The degree to which the proposed action affects public health or safety.*

This action does not pose a substantial question of significant effect upon public health or safety. Similar past forest management activities (allocation of commercial and non-commercial use on the NFS lands for the project area) have not resulted in significant effects upon public health or safety. All applicable Federal and State laws pertaining to public health and safety would be followed.

*3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no known significant effects to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, wilderness, or ecologically critical areas (EA, Chapter 3).

*4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

The effects on the quality of the human environment are not likely to be highly controversial.

*5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. The mitigations and other features of this decision are either commonly used and/or present known risks (EA, Chapter 2, pp. 5-11 and Table 2.1, pp. 7-8).

*6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The proposed action does not set a precedent for any future actions with significant effects nor does it represent a decision in principle about a future consideration. This decision only pertains to potential impacts of outfitter and guide use on NFS lands for the Wrangell Ranger District. Proposals for development received through the application process for special uses are not addressed with this decision document. Development proposals, authorized under different Forest Service authorities, are beyond the scope of this analysis (EA, Chapter 1, pp. 1-2). Any future decisions will need to consider relevant scientific and site-specific information available at that time.

*7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*

There are no known significant cumulative effects resulting from this project and other projects implemented or planned in the areas surrounding the project area. Cumulative effects were analyzed and disclosed in Chapter 3 of the EA. The project planning record contains the detailed analyses of individual resources supporting this judgment.

*8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

This action would not cause the loss or destruction of significant scientific, cultural, or historical resources. There are no known cultural resource sites that would be affected by this project. We have determined that no known historic properties will be affected by project implementation (EA, Chapter 3, pp. 11-13).

*9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

No threatened, endangered, or sensitive species or their critical habitats are affected by this decision. The project planning record contains the Biological Evaluation supporting this judgment (EA, Chapter 3, pp. 29-30; Appendix C).

*10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

This action does not violate Federal, State, or local law requirements imposed for the protection of the environment, and has been reviewed by Federal and State agencies (EA, Chapter 1, pp. 9-10). There are no known significant effects on civil rights, women or minorities (EA, Chapter 3, p. 34).

## **Implementation Date**

Implementation of decisions made by the Wrangell District Ranger, which are subject to appeal pursuant to 36 CFR Part 215, may occur on, but not before, five business days from the close of the appeal filing period. The appeal filing period closes 45 days after the publication of legal notice of this decision in the *Ketchikan Daily News* newspaper, published in Ketchikan, Alaska.

## **Right to Appeal or Administrative Review**

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Individuals or non-federal organizations who submitted written comments or otherwise express interest in this particular action during the comment period specified at 215.6 have standing to appeal this decision. The notice of appeal must be in writing, and meet the appeal content requirements at 36 CFR 215.14. The appeal must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer:

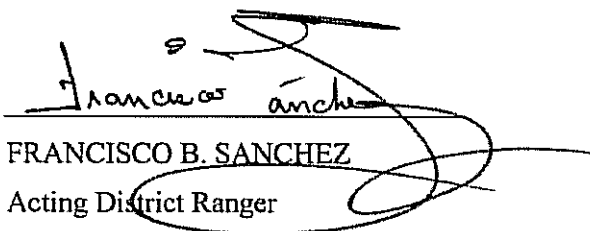
Forrest Cole  
Forest Supervisor USDA Forest Service  
Tongass National Forest  
Federal Building 648 Mission Street  
Ketchikan, AK 99901  
Fax: 907-228-6125

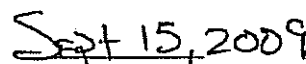
The office business hours for those submitting hand-delivered appeals are: 8:00 am to 4:30 pm Monday through Friday, excluding holidays. Electronic appeals must be submitted to [appeals-alaska-regional-office@fs.fed.us](mailto:appeals-alaska-regional-office@fs.fed.us). In cases where no identifiable name is attached to

an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of legal notice of this decision in the *Ketchikan Daily News*, the newspaper of record. Attachments received after the 45-day appeal period will not be considered. The publication date in the *Ketchikan Daily News* is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

For additional information, contact Francisco B. Sanchez, acting District Ranger, or Diane O'Brien, Special Use Administrator, at 907- 874-7564.

  
FRANCISCO B. SANCHEZ  
Acting District Ranger

  
Date

## References

- USDA Forest Service. 2002. *Second amended Programmatic Agreement among the USDA Forest Service, Alaska Region, the Advisory Council on Historic Preservation, and the Alaska State Historic Preservation Officer regarding the Heritage Resource Management of National Forests in the State of Alaska*. Agreement # 02MU-111001-076. Manuscript on file, USDA Forest Service, Tongass National Forest, Petersburg Supervisor's Office, Petersburg, AK.
- USDA Forest Service. 2008. *Tongass Land and Resource Management Plan*. Tongass National Forest. R10-MB-603b. USDA Forest Service, Alaska Region, Juneau.
- USDI Fish and Wildlife Service. 2002. *Memorandum of Understanding between the USDA Forest Service, Alaska Region and the USDI Fish and Wildlife Service, Alaska Region*. 6 pp.



Krogh Beach in South Etolin Wilderness, Tongass National Forest. Photograph by Carin Christensen.

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