DECISION MEMO
TEMPORARY SET NET CAMP IN MAIN BAY
PRINCE WILLIAM SOUND, ALASKA

GLACIER RANGER DISTRICT, CHUGACH NATIONAL FOREST
U.S. FOREST SERVICE

SUMMARY

After careful consideration of the recommendations of appropriate resource specialists, and the requirements of applicable laws and regulations, it is my decision to approve the construction and use of a temporary set net camp in Main Bay, located within the Eshamy Fishing District and the Nellie Juan – College Fiord Wilderness Study Area (WSA), western Prince William Sound.

BACKGROUND

Set net camps have been occupied by commercial fishermen in Main Bay since the early 1980s, shortly after the Main Bay fish hatchery was constructed. Set netters are based on shore and use small skiffs to tend their nets. They normally do not operate out of large live-aboard boats and require shore-based camps to operate. These camps are occupied during the fishing season, June through August.

Setnet camps are authorized under Section 1316(a) of the Alaska National Interest Lands Conservation Act (P.L. 96-487) which states:

> "*On all public lands where the taking of fish and wildlife is permitted in accordance with the provisions of this Act or other applicable State and Federal law the Secretary shall permit, subject to reasonable regulation to insure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary camp-sites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities. Such facilities and equipment shall be constructed, used, and maintained in a manner consistent with the protection of the area in which they are located. All new facilities shall be constructed of materials which blend with, and are compatible with, the immediately surrounding landscape. Upon termina-tion of such activities and uses (but not upon regular or seasonal cessation), such structures or facilities shall, upon written request, be removed from the area by the permittee.*"

Thirteen special use permits that authorize temporary campsites in support of set net fishing are currently issued to set net commercial fishing permit holders in the Eshamy Fishing District. The campsite being authorized by this decision is located in T. 5N, R. 8E, S. 8, as shown on the attached map. This site is an established set net campsite, previously authorized under a special use permit and used for many years. The most recent authorization for a temporary set net camp at this site expired 12/31/2013.

This decision is in alignment with the 2020 Chugach Land Management Plan desired conditions and objectives related to the Wilderness Study Area, including providing opportunities for subsistence uses while maintaining presently existing character and potential for inclusion in the National Wilderness

Preservation System. It is also consistent with the management direction for the management area in which the project area lies: Management Area 1-Wilderness Study Area. Stipulations attached to the special use authorization are based on Guidelines established in the Forest Plan: MA1-NONFS-G.

DECISION

This decision allows for the following actions at this Main Bay temporary set net camp location (see the attached map). Construction and maintenance of:

- (2) wooden platforms, not to exceed 14'x16' in dimensions
- (1) wooden outhouse, which must meet state requirements for treatment and disposal of human waste
- Aboveground, temporary, and easily removeable boardwalks

My decision includes all design features listed at the end of this document.

ANALYSIS

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as 36 CFR 220.6(e)(3): *Approval, modification, or continuation of special uses that require less than 20 acres of National Forest Service lands.* This category is applicable because the proposed action will require less than 20 acres of Forest Service lands.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I considered resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species - stipulations added to this authorization to protect native vegetation and species of conservation concern are adequate to address ecology and wildlife concerns.
- Flood plains, wetlands, or municipal watersheds – none present and no effects.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – permitted activities will occur within the Nellie Juan-College Fiord Wilderness Study Area (WSA) however, they are not expected to have any considerable impacts to the WSA eligibility to be designated as Wilderness by congress or result in any permanent or long-term alterations of the WSA and are allowed under Alaska National Interest Land Claims Act legislation. Stipulations added to this authorization to protect Wilderness values are adequate to address Wilderness concerns.
- Inventoried roadless areas or potential wilderness areas – the permitted activities will occur within the College Fiord inventoried roadless area. However, this action is (1) consistent with the 2001 Roadless Area Conservation Rule and (2) will not result in substantial effects to roadless area characteristics. Ground disturbance will be minimal. No trees will be removed as a result of this action.
- Research natural areas – none present and no effects.

- American Indians and Alaska Native religious or cultural sites – no known sites are present and no effects.
- Archaeological sites, or historic properties or areas – no known sites are present and no effects. Stipulations have been added to this authorization to protect newly discovered sites.

Public Involvement

This proposal was listed on the Chugach National Forest Schedule of Proposed Actions (SOPA) beginning in August 2021, and will remain on the SOPA until after a decision is made.

Findings Required by Other Laws and Regulations

This decision is consistent with the 2020 Chugach National Forest Land Management Plan. The temporary set net camp authorization conforms with all applicable Forest-wide, Prince William Sound Geographic Area, Management Area 1 plan components.

The Forest Service has determined that this project is consistent with the ANILCA Section 810, Subsistence Evaluation and Finding, Endangered Species Act of 1993, National Historic Preservation Act of 1966, and will have no effect on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act.

This decision is applicable with all other relevant laws and regulations.

Implementation Date

This decision is not subject to the appeal or objection processes. Implementation of this decision may occur immediately. Implementation is expected to begin in September of 2021.

Contact

For additional information concerning this decision, contact: Buffie Stewart at Buffie.Stewart@usda.gov, or by phone at (907-691-5383).

Additional information about this decision also can be found on the Chugach National Forest web page at:

www.fs.usda.gov/projects/chugach/landmanagement/projects.

8/24/21

Tim Charnon — Date

District Ranger

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Design Features

1. The permit holder (Holder) shall be the owner of a valid State of Alaska limited entry permit for conducting commercial set net fishing activities in the Eshamy Fishing District.

2. Holder may construct and occupy a temporary camp for the set net season for 3 weeks prior to the first opening and 3 weeks after the last opening. Year-round residential occupancy is not allowed. Other uses such as recreational hunting and fishing must be incidental to commercial set netting operations.

3. Holder is **not** authorized to use motorized equipment, including but **not** limited to chainsaws, table saws, electronic bug zappers or drones, unless specifically authorized by this permit. The intent is to meet the provisions of ANILCA Section 1316 and US Forest Service policy for the Wilderness Study Area, which require that motorized equipment at temporary fishing facilities may only be authorized if directly and necessarily related to the taking of fish and wildlife. Authorization is granted for use of generators and hand-portable power tools such as drills and is listed on the face of this permit. Use of additional motorized equipment may be requested but must be approved in writing (by permit or permit amendment) by the authorized officer. For further information please see the publication *What Can I Do in Alaska Wilderness*, which is provided by the Forest Service.

4. Holder shall limit each temporary camp site to an area no more than 1,000 sq. ft. in size. All improvements must be contained within the 1,000 sq. ft. footprint, except for the wooden shed-style outhouse.

5. Holder is authorized to construct temporary shelters on top of <u>two wood-framed tent platforms</u>. Each wood platform is to be <u>no larger than 12 feet x 16 feet and a height of no more than 3 feet off the ground</u>. Only two tent platforms may remain standing after each season of use. Previously existing improvements that exceed these dimensions and have been approved by the authorized officer may continue to be used in association with the present Holder's operation but must be removed upon termination of the permit.

6. Holder may construct temporary hard-sided shelters on the tent platforms.

   a. The <u>wall of such shelters shall be no more than 8 feet in height</u> and the highest point of the <u>roof shall be no more than 11 feet above the platform</u>.

   b. At the end of the commercial fishing season, each shelter must be fully dismantled and stored within the tent platform footprint, on top of or below the tent platform. They may be covered with a camouflage, dark brown or dark olive-green tarp.

   c. All building materials must be stored within the tent platform footprint. The height of the <u>material stored on top of the platform cannot exceed 4 feet from the top of the platform.</u>

   d. Holder may use the following accepted colors for roofing materials: dark olive green, dark brown or clear (fiberglass).

   e. Holder shall paint or stain all exterior wood dark brown or dark olive green.

7. As an alternative to a hard-sided temporary shelter, Holder may place soft-sided structures upon the tent platforms, such as a WeatherPort, tent or other fabric building. The color shall be camouflage, dark brown or dark olive green. Since WeatherPorts are typically cream, cream WeatherPorts are allowed. However, dark brown or dark olive green is preferred if available. The metal stays shall be dismantled and stored flat within the tent platform footprint at the end of the season.

8. Permanent materials such as bolts tied into rocks or trees and the use of permanent building materials such as concrete are not allowed.

9. Holder shall contain human waste in a safe and sanitary way with a wooden shed-style outhouse (structure), latrine pit with wooden bench and seat cover, or a pack it out method.

a. Only one wooden structure is allowed and may remain up in the off season. Screening materials for the structure will be dark brown or dark olive green in color.

b. Lime or wood ash shall be used to help control odors and break down the waste. It is recommended that the Holder not use sawdust as it results in the pit filling up faster.

c. Holder shall secure the structure off season to keep out precipitation, vermin, and other animals.

d. Holder shall permanently close a pit when it is filled to within 24 inches of the ground surface by removing the above-ground structure and covering the pit with a minimum of two feet of compacted soil that is mounded slightly to allow for settlement and to prevent water from collecting in or around the pit.

e. Holder shall contact the permit administrator and receive permission from the authorized officer, prior to digging a new pit. Any new pit shall be 6 to 8 feet deep but 4 feet above the high point of the ground water table. It shall be located 100 feet from any water source and where water will drain away from the pit. If a deep pit is prohibited by rock, water levels or other conditions, the Holder shall use another method that results in the waste being removed off National Forest land.

10. If desired, a shower may be set up for personal hygiene needs. The shower shall be a temporary structure that will be taken down completely and stored within the tent platform footprint at the end of each season.

11. Holder is not authorized to create new gravel walkways or pads. Boardwalk may be used to facilitate travel over wet or uneven surfaces. All boardwalks shall be in good repair, made safe for traction and shall not exceed 24 inches in width. Boardwalk shall be stored within the tent platform footprint or removed from site at the end of the season.

12. Holder shall clean equipment and materials (including footwear, gear, and boats) prior to their transport to National Forest System land to prevent the spread of non-native species. Holder shall prevent ground disturbance that would create favorable seed beds for non-native plants.

13. The holder shall minimize soil erosion by avoiding damage to vegetation, especially plants that stabilize banks and shorelines of waterbodies. Utilize rocky sites for put ins and take outs whenever possible and avoid sensitive riparian areas.

14. Live vegetation, seeds, and animals (including insects, fish, amphibians, mammals, and birds) shall not be imported, planted, or released. House plants that are kept indoors and domestic pets are exempted from this stipulation.

15. Holder shall report at the earliest possible date any observation of non-native species on National Forest System lands to the Permit Administrator or to the 1-877-invasiv hotline. Reports should include the location information, species, and infestation size (for plants). Photographs of the suspected invasive species should also be included when possible.

16. Invasive species include the **European black slugs**, a highly transportable species now found in Cordova and Whittier. If found, European black slugs may be controlled through salting, burning, trapping, or crushing. Slugs shall not be thrown into fresh water, salt water, or trash receptacles.

17. Permittees shall be provided with "Selected Invasive Plants of Alaska" (2004) booklet and black slug handout to assist in the identification, treatment, avoidance, and reporting of invasive species. It is recommended to control invasive plant populations by hand removal (digging/pulling), bagging in plastic, and properly disposing off forest. Use of herbicides is **NOT** permitted.

18. Holder shall ensure that during camp operation, the camp area will be maintained in a neat, clean condition and amenable to public visitation. All items brought to the camp must be justified as necessary for the support of the set net operation.

19. At the end of each season, Holder shall remove from National Forest System land all surplus materials and equipment that cannot be stored within the tent platform footprint.

20. The Holder shall store garbage in a secure and sanitary manner and all garbage shall be removed from National Forest System lands as often as possible and at the end of each season. Holder shall also store all food, food scraps, and other potential wildlife attractants in a secure and sanitary manner.

21. Temporary storage of fuel is authorized. Fuel stored on site must be directly and necessarily related to camp operations and must be stored in accordance with Alaska Department of Environmental Conservation (ADEC) regulations.

    a. Fuel and fuel containers must be stored a minimum of 100 feet from fresh and saltwater sources and must be removed from site at the end of the season of use.

    b. Fuel must be stored in a fuel containment system that consists of a hard-sided floor and walls, an impermeable liner, and be capable of containing a spill until cleanup can occur. The fuel containment system must be capable of handling a typical mode of spill for the site and a likely quantity of fuel that might spill.

    c. To the greatest extent possible, all fuel transfer between containers and equipment must occur at the fuel containment system.

    d. Fuel pumps, pipes, containers, and equipment must be free of leaks and kept closed when not in use.

    e. Absorbent pads or other clean-up materials must be present for spill response.

    f. Spills must be cleaned up immediately. Any spills of one gallon or more must be immediately reported to the ADEC and the Forest Service permit administrator.

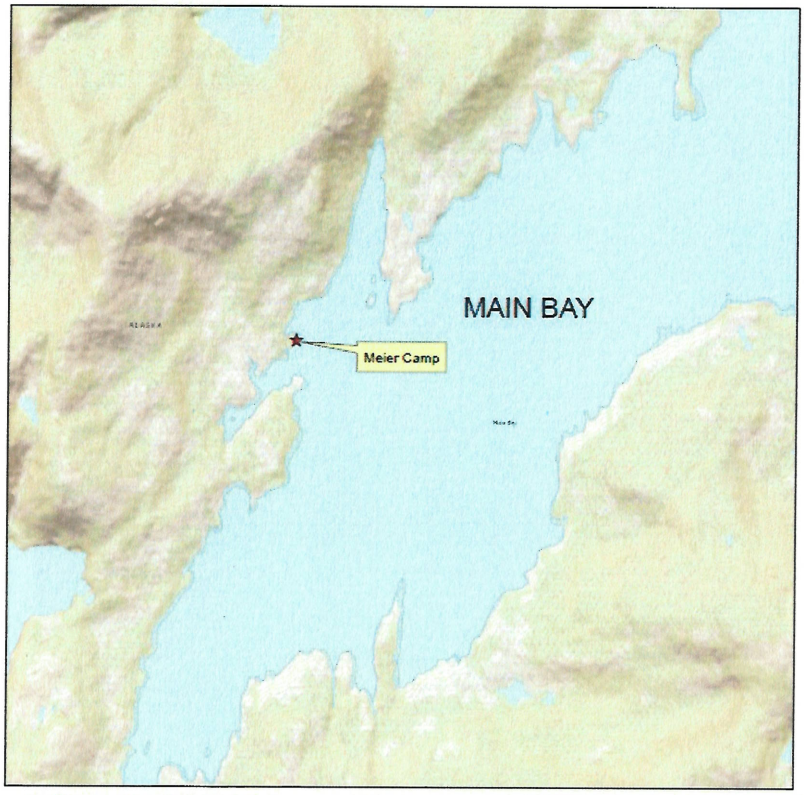
22. Storage of up to two small skiffs immediately adjacent to tent platforms is allowed. Skiffs must be either painted dark olive green in color or covered with camouflage, dark brown or dark olive green, tarps when stored in the off season.

23. This permit is non-transferable. If a set netter chooses to sell the State of Alaska Limited Entry Permit, improvements of the temporary camp that have been authorized in this permit may be sold or transferred to the new holder of a Special Use Permit. The new Special Use Permit holder may occupy the same set net temporary campsite as the former Special Use Permit holder. A bond will remain in effect until the new holder has an appropriate bond in place which is acceptable to the Forest Service. Once a new bond is approved, the hold on the previous bond will be released by the Forest Service.

24. Holder shall adhere to Appendix C, *Stipulations for Land Use Authorizations within the Wilderness Study Area.*

GLA1179 Ethan Meier Set Net Camp

Appendix A



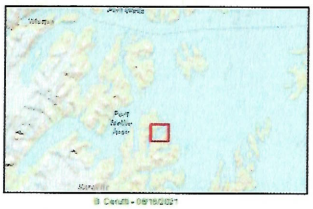
Authorization Information

Permit Holder: Ethan Meier
Township / Range: T. 5N, R. 8E, S. 8
Meridian: Seward
Scale: 1 : 24,000

Legend

Camp Location

0 0.075 0.15 0.3 0.45 Miles



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