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Date: April 13, 1999

*Mr. Joseph Sebastian
Alaska Society of American Forest Dwellers
P. O. Box 129
Point Baker, Alaska 99927*

RE: Appeal of the Record of Decision for the Tongass National Forest Land and Resource Management Plan (#97-13-00-0088)

Dear Mr. Sebastian:

Pursuant to 36 CFR 217, this letter is our decision on your appeal of Regional Forester Phil Janik's May 23, 1997, Record of Decision (1997 ROD) which approved a revised Forest Land and Resource Management Plan (1997 Forest Plan) for the Tongass National Forest in Alaska.

Your Notice of Appeal (NOA) was received on September 3, 1997. Your appeal on behalf of Alaska Society of American Forest Dwellers was timely. The Regional Forester transmitted the relevant decision documentation and pertinent appeal records (AR) to this office on November 14, 1997. The Ketchikan Gateway Borough and City of Wrangell and the Alaska Forest Association requested and were granted intervenor status October 9, 1997. Intervenor comments were received from Alaska Forest Association, dated November 8, 1997.

Secretary Review and Evaluation

The 1997 Forest Plan is based on Alternative 11 in the Tongass Land and Resource Management Plan Revision Final Environmental Impact Statement (FEIS), with modifications as documented in the 1997 ROD. The decision to approve the 1997 Forest Plan was subject to appeal in accordance with Forest Service appeal regulations at 36 CFR 217. Thirty-three notices of appeal were filed on the May 23, 1997, decision. In addition, two lawsuits have been filed that involve the appeals of the 1997 ROD. Also, the 1997 Forest Plan is implicated in at least one other lawsuit unrelated to appeals.

As the Under Secretary for Natural Resources and Environment at USDA, I have elected to exercise discretionary review of the administrative appeals relating to the Regional Forester's approval of the 1997 Forest Plan. This is not a step I take lightly. It is my belief that the continuing controversy and exceptional circumstances surrounding the Tongass Land and Resource Management Plan warrant my direct and immediate participation in order to bring this controversy to closure as quickly as possible so that the Forest Service can move forward

with the Modified 1997 Forest Plan implementation. The residents of Southeast Alaska, their communities and elected officials, as well as business and organizations from the region, have long sought certainty in the management of the Tongass National Forest. A key to this certainty is ensuring the sustainability of the goods and services produced by the Tongass National Forest, and all the resources on which they depend. The enclosed 1999 ROD seeks to provide that certainty built upon a foundation of sustainable natural resource stewardship. Therefore, I have reviewed these appeals and related records. My decisions in the appeals reflect modifications contained in the enclosed 1999 ROD.

The 1999 ROD documents my decision and rationale to modify the 1997 Forest Plan. I am modifying some aspects of the 1997 Forest Plan, not because I find that it fails to meet mandatory requirements, but because I have concluded that, for multiple use reasons and to reduce the level of environmental risk, the Secretary's responsibilities and authorities should be exercised differently to improve the Forest Plan. The enclosed 1999 ROD changes development land use designations (LUD's) to mostly natural LUD's in 18 Areas of Special Interest totalling approximately 234,000 acres. The 1999 ROD also strengthens a standard and guideline (S&G) and adds another to address certain wildlife species, to improve subsistence opportunities and to reduce risk to old-growth ecosystem viability. Adjustments I made to management direction, together with unchanged portions of the 1997 Forest Plan, will hereinafter be referred to as the Modified 1997 Forest Plan. The Modified 1997 Forest Plan is the document titled "Land and Resource Management Plan - Tongass National Forest", dated 1997, and is based on Alternative 11 in the "Tongass Land Management Plan Revision Final Environmental Impact Statement" with modifications as noted in the enclosed 1999 ROD.

Regulatory Authorities

The regulations governing forest plan appeals are not based on statutes that require an appeal system, but instead are one way the Department meets its responsibilities under the Organic Act (16 U.S.C. 472, 551), the Multiple Use-Sustained Yield Act (16 U.S.C. 528-531) (MUSYA), and the National Forest Management Act (16 U.S.C. 1600, et seq.) (NFMA). As Under Secretary I am charged to provide leadership in resource management and assure the protection, management, and administration of the National Forests (7 U.S.C. 2.20). I also am charged under 7 U.S.C. 2.20(a)(2)(viii) to "exercise the administrative appeal functions of the Secretary of Agriculture in review of decisions of the Chief of the Forest Service pursuant to 36 CFR 215 and 217, and 36 CFR 251 Subpart C."

The regulations governing forest plan appeals (36 CFR 217.17) provide for discretionary review by the Under Secretary. Discretionary review is based on the appeal record presented to the Chief (36 CFR 217.17(e)). The appeal regulations grant broad latitude in deciding when to invoke discretionary review (36 CFR 217.17(a)). The 1997 Forest Plan falls within the scope of the identified factors that include, but are not limited to, the "controversy surrounding the decision, the potential for litigation, whether the decision is precedential in nature, or whether the decision modifies existing or establishes new policy." In fact, probably not since the Secretaries of Agriculture and the Interior jointly signed the 1994 "Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl" has there been as compelling a

need for final resolution of such a long-standing land management controversy. An expedited discretionary review harms no appellant's interests as the Chief's decision would be subject to discretionary review in any event, and the review is based on the same record. In sum, expediting the discretionary review portion of the appeal process, although unconventional, is in the best interest of the residents of Southeast Alaska and the public at large, and within the spirit and letter of the appeal regulations.

I find that the Regional Forester complied with applicable Federal law and agency policy in his approval of the 1997 ROD for the 1997 Forest Plan. However, as previously discussed, I feel modifications are needed to reduce the level of risk and uncertainty for ensuring environmental protection regarding three key issues which I found could be improved upon from the 1997 Forest Plan: (1) subsistence use and associated deer winter range/deer habitat capability; (2) assurance of adequate amounts and distribution of old-growth forest for species viability; and (3) protection of Areas of Special Interest.

My decision on the appeals reflects those modifications contained in the enclosed 1999 ROD and is the final administrative action by the Department of Agriculture.

The Modified 1997 Forest Plan

The Modified 1997 Forest Plan is a programmatic framework for management of an administrative unit of the National Forest System.¹ The enclosed 1999 ROD explains what the Modified 1997 Forest Plan does. "This Plan provides the broad, programmatic direction necessary to manage the resources and uses of the Tongass National Forest in a coordinated and integrated manner" (Modified 1997 Forest Plan). It "will guide the management of the Tongass National Forest for the next 10 to 15 years" (1999 ROD). The components of Forest Plan direction, "along with the Land Use Designation map, establish a management framework that governs the location, design, and scheduling of all Forest management activities. Within the management framework, project-level planning is undertaken to achieve Forest Plan implementation" (Modified 1997 Forest Plan). The Modified 1997 Forest Plan sets forth goals and objectives for management and establishes programmatic standards to follow in pursuit of those goals. "Goals are achieved through the allocation of lands to the set of LUD's, through implementation of the Standards and Guidelines specified for the LUD's, and through other activities conducted on the Forest" (Modified 1997 Forest Plan). Pursuant to NFMA, the Modified 1997 Forest Plan identifies land that is suitable for timber production and determines the allowable sale quantity (ASQ), and other resource outputs, all of which are estimates.

Implementation of the Modified 1997 Forest Plan will take place through project-level decisions which must be within the bounds of the programmatic framework. As stated in the Modified 1997 Forest Plan, implementation is "accomplished through the recurrent identification of proposed actions . . . consistent with activities anticipated in the Plan; the

¹*The Modified 1997 Forest Plan and FEIS were prepared under the authority of the Multiple Use-Sustained Yield Act (MUSYA) (16 U.S.C. 528-531); the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), as amended by the NFMA (16 U.S.C. 1601-1614); the implementing regulations of NFMA (36 CFR 219); and the NEPA (42 U.S.C. 4321-4335 and its implementing regulations (40 CFR 1500-1508).*

analysis and evaluation of such actions . . . ; related documentation and decisionmaking; and project execution and administration, in a manner that is consistent with the management direction of the Plan" (Modified 1997 Forest Plan). Thus, the Modified 1997 Forest Plan standards operate as parameters within which projects must take place. Approval of any project must be consistent with the management standards. If a project cannot be conducted within these parameters, these safeguard mechanisms in the Modified 1997 Forest Plan will prevent such development from going forward (see Swan View Coalition v. Turner, 824 F.Supp 923, 933 (D. Mont. 1992)).

The 1999 ROD (Section VIII, Appeal Rights) notes that decisions on site-specific projects are not made in the ROD and that such decisions will not be made until completion of environmental analysis and documentation for the specific project, in compliance with the National Environmental Policy Act (NEPA). Thus, approval of the Modified 1997 Forest Plan does not mandate any project decisions. Each project or activity must be consistent with the programmatic environmental protection direction in the Modified 1997 Forest Plan (16 U.S.C. 1604 (i)).

Finally, the Modified 1997 Forest Plan establishes monitoring requirements to help determine how well the standards and management direction are working and whether the goals remain appropriate throughout the plan period. As stated in the Modified 1997 Forest Plan, ". . . monitoring and evaluation comprise an essential feedback mechanism within an adaptive management framework to keep the Plan dynamic and responsive to changing conditions."

In summary, the Modified 1997 Forest Plan establishes a framework for decisionmaking on the Tongass National Forest using programmatic direction as a gateway for compliance with environmental laws at the project level.

Response To Concerns:

My response to your concerns provides a focused response to contentions involving complex resource management issues. Although every contention made by you may not be cited in this decision, all of your concerns have been considered. My review of the concerns has focused upon the Regional Forester's compliance with law, regulation, and policy.

The following section addresses your concerns related to the Forest Service recognizing the needs of the Forest Dwellers (concerned citizens of Point Baker and Port Protection), viability of wildlife populations and recreation planning. As relief you request that the 1997 Forest Plan be amended.

Recognition of the needs and long term requirements of the Forest Dwellers

You contend that the ". . . the Forest Service does not seem to hear us, or recognize the necessary needs and requirements of our two villages long term futures" (NOA, p. 1).

Discussion

National Forest land and resource management plans are required by NFMA, and must provide for the multiple-use and sustained yield of renewable forest resources in accordance with the MUSYA. Multiple-use is defined as "the management of all the various renewable surface resources of the National Forest System so that they are utilized in the combination that will best meet the needs of the American people" (36 CFR 219.3). The alternatives presented in the 1997 Forest Plan "represent different ways of managing Tongass National Forest resources in combinations that are intended to meet the needs of the American people. Each provides a different mix of resource uses and opportunities, and each has some potential to affect subsistence uses. Given the theme and emphasis of each alternative, the potential restrictions associated with each alternative are necessary, consistent with the sound management of public lands" (FEIS, p. 3-228).

The FEIS outlines how public comments were incorporated into the 1997 Forest Plan. Ten public issues were identified in the FEIS: scenic quality, recreation, fish habitat, wildlife habitat, subsistence, timber harvest, roads, minerals, roadless areas, and local economy (FEIS, p. ii). The Forest requested public input on issues through mailings, workshops, news releases on radio, television, and in newspapers and also through community postings (FEIS Appendix A, p. A-1). Responses from individuals and groups were analyzed overall and by community, with Point Baker included as one of these communities (FEIS Appendix A, p. A-2).

Public comment was requested on the 1990 Draft Environmental Impact Statement (DEIS), the 1991 Supplement to the DEIS and the 1996 revised Supplement. All public comment periods were announced in the Federal Register, by news release, in local newspapers, and through newsletters. Documents were mailed and were also available at Forest Service offices and libraries throughout Southeast Alaska. Informational meetings, open houses, and hearings on the 1997 Forest Plan were held in most Southeast Alaska communities during each comment period. Written or oral input on the 1990 DEIS came from over 3,000 individuals, organizations, interest groups, and agencies. On the 1991 Supplement, over 7,000 responses were received, and on the 1996 Revised Supplement, over 21,000 responses (FEIS Appendix L, p. L-2).

The FEIS specifically addressed comments the Forest received about the Point Baker/Port Protection area. Comments to the DEIS and SDEIS included many that are similar to your concerns, regarding logging and subsistence use. The Forest also received comments specific to Prince of Wales Island to maintain logging and to construct a tie road from Lab Bay.

The Forest responded to these comments in the FEIS.

"National Forest lands near Port Protection and Point Baker (VCU 527) are allocated to Semi-Remote Recreation. VCU 528 and 529 are allocated to modified landscape, timber production and special area LUD's. Red Bay and adjacent lands are allocated to Modified Landscape with a portion west of Red Bay allocated to Old-growth Habitat. The area surrounding Red Lake has been allocated to scenic viewshed. The Scenic Viewshed and Modified Landscape LUD's will provide for the scenic and recreation values of these areas while

allowing timber harvest and associated activities to continue. The area in Shipley Bay not in Legislated LUD II designation has been allocated to Old-growth Habitat LUD. In addition, the Riparian Forest-wide standards and guidelines apply to all streams, and the Beach and Estuary Fringe Forest-wide standard and guideline applies to all beach and estuary shoreline areas, within these LUD's, and within the Timber Production LUD wherever it occurs.

The west face of Mt. Calder, and the lands between there and the west coast, are within a Legislated LUD II area. The east face of Mt. Calder is allocated as a Special Interest Area to protect high value karst lands. Lands adjacent to this to the east are in Timber Production. Purue Peak and El Capitan peak have been allocated to a Special Interest Area designation for the karst features. El Capitan Passage (VCU's 537 and 549) between Tenass Pass and Aneskett Point is mostly in Timber Production, with Modified Landscape to the north and old-growth LUD to the south of Sarkar Cove. The area from Shakan Strait to the El Cap Work Center is allocated to Modified Landscape on the north, and Legislated LUD II on the south. The remainder of northern Prince of Wales is mostly in Timber Production, Modified Landscape or Scenic Viewshed (the latter two applied to other bays and shoreline areas and along portions of the road system). Any additional road construction would be done in conjunction with timber sale activities. Trail and cabin maintenance and construction is normally a Ranger District or Administrative Area responsibility" (FEIS Appendix L, pp. L-277 to L-278).

The FEIS also specifically addresses the issue of subsistence in the communities of Point Baker and Port Protection. For Point Baker, no significant decline in salmon, other finfish, or invertebrate habitat capability is expected from implementation of any alternative. Alternative II should be able to provide habitat capability for deer hunted by Point Baker residents, as well as for all deer hunted in adjacent Wildlife Analysis Areas (WAA's). However, there may be direct effects on Point Baker's use area within the Development LUD's. "These LUD prescriptions indicate continued and possibly increased timber harvest and possible mining activity" (FEIS, p. 3-629). "Competition is likely to indirectly affect Point Baker as displaced hunters from other communities may be able to travel to Point Baker for hunting as the access opportunities increase with development. These same access opportunities may also increase Point Baker's opportunities to access more area, and possibly lower their access costs" (FEIS, p. 3-629).

For Port Protection, "no significant decline in salmon, other finfish, or invertebrate habitat capability is expected from implementation of any alternative" (FEIS, p. 3-637). Effects to deer are similar to those in the Point Baker area. The FEIS did recognize that all alternatives should be able to provide habitat capability for deer hunted by Port Protection residents, as well as for all deer hunted within the area in the short term. In the long term, there may not be enough deer for all hunters due to the possible increase of displaced hunters from other communities (FEIS, pp. 3-637 to 3-638).

Appendix H of the FEIS looks at additional community information, including Point Baker and Port Protection. This appendix is in three parts: community deer use maps, estimated effects on deer habitat capability and harvest opportunities, and community group employment data.

The Forest also received many comments on areas near your community including Prince of Wales Island and Kuiu Island.

"In 1991, the majority of commenters about Prince of Wales Island mentioned specific areas, including many bays and inlets, sounds, and nearby islands, for which they requested non-timber management. Some commenters (including the City of Thorne Bay, Alaska Forest Association and Ketchikan Pulp Corporation) wanted logging to continue at present levels; others (including Tongass Conservation Society and some local Fish and Game Advisory Boards) felt that too much logging had already occurred, and that harvest levels should be reduced. Other commenters asked that the major Prince of Wales roads be kept open and maintained, both for community needs and to provide access to recreation opportunities; residents of Lab Bay want a connection to the rest of the island's road system. In 1996 the comments were generally of the same nature and scope" (FEIS Appendix L, p. L-272).

The Forest responded to these comments in their LUD's for Prince of Wales Island.

"Based on the many and diverse comments a variety of land use designations have been allocated to different areas on Prince of Wales Island. Prince of Wales Island is a large and diverse area. It has a history of timber management, and a more extensive road system than the rest of Southeast Alaska. There is a growing interest in the scenic and recreation opportunities on the island, and for maintaining the natural conditions of many specific areas. The land use designations chosen for Prince of Wales Island reflect these and other uses, opportunities and concerns. Most of the lands currently being managed for timber harvest, particularly those with roaded access in the northern two-thirds of the island, will continue that activity. Roaded access, both between communities and for resource activities and uses, will be maintained. Many coastal areas, bays and inlets with suitable timber lands where recreation and subsistence are primary uses, and/or where scenic qualities are important (such as along the marine highway and cruise ship routes), will continue to have timber harvest, but modified to minimize the visibility of activities" (FEIS Appendix L, p. L-273).

With respect to Kuiu Island, the Forest acknowledged the numerous public comments in support of protection of portions of this island and the associated recreation, subsistence and wildlife values.

"The land use designations for Kuiu Island, particularly the northern and eastern portions, reflect many of the above concerns in specific areas, although

timber management (under the Timber Production LUD) remains the emphasis for much of the northern and eastern land base. Areas recognized for their scenic, recreation and/or subsistence values and uses include the west side of Security Bay, Kadake Bay, the Bay of Pillars, and the entire Rocky Pass area, most of which are in Semi-remote or Remote Recreation. The eastern coastline from Threemile Arm south has been allocated to Modified Landscape to provide for scenic and recreation values. In addition, whenever the LUD selected for an area allows development activities, the Riparian standards and guidelines apply to all streams, and the Beach and Estuary Fringe standards and guidelines apply to all beach and estuary shoreline areas. Southern Kuiu Island, south of the new Kuiu Wilderness, is allocated to Semi-remote Recreation which will preclude any logging and protect the values people are most concerned about in that area" (FEIS Appendix L, pp. L-252 through L-353).

The Regional Forester also stated in the 1997 ROD, page 10: "These allocations reflect concerns raised in public comments, and most provide additional protection to areas of special interest or with specific resource values: . . . The south end of Kuiu Island is allocated to Semi-remote Recreation. In the eastern portion of Kuiu Island, the allocations to the Old-growth Habitat and Modified Landscape LUD's have been expanded."

The Forest also responded to comments to continue logging on the island.

"Many of the lands of north Kuiu Island, where considerable suitable timber is accessed by an existing road system, are currently being managed for timber harvest. This will continue under the Timber Production allocation for much of the area (MA S4, VCU's 398-402 and 421). The western and southern portions of Security Bay (VCU 400) are in Semi-remote Recreation, for the values commented on above, and also include the recommended Fall Dog Creek Wild River. The western coast of the Island adjacent to this (VCU 401) is in Semi-remote Recreation. The Keku Islets and Cornwallis Point are combined as the Keku Islets Geological and Natural Area (Special Interest Area LUD). Kadake Bay is all in Semi-remote Recreation, to emphasize recreation and subsistence values, and Kadake Creek is recommended as a Wild and Scenic River" (FEIS Appendix L, p. L-253).

Decision

After reviewing the record, I find that recognition of the needs and long term requirements of the Forest Dwellers was considered and addressed. The Forest addressed comments specific to the Point Baker/Port Protection area and used these divergent comments in allocations on Prince of Wales Island and Kuiu Island.

However, I have determined that there was a need to modify the provisions of the plan to better address subsistence uses. I have converted additional acres from development to non-development LUD's in a number of new Areas of Special Interest (see enclosed 1999 ROD,

Wildlife section) to further protect traditional subsistence needs and other special values associated with these lands. Of the 18 Areas of Special Interest, 13 have been identified as important for meeting subsistence needs (see enclosed 1999 ROD, Areas of Special Interest).

In addition, I have added a standard which extends timber rotation from 100 to 200 years in 42 WAA's where deer habitat capability concerns exist (see enclosed 1999 ROD, Deer Winter Range section). Reducing the rate at which timber is harvested diminishes the risk to deer habitat capability and thus subsistence use of deer. Because there is a strong relationship between those WAA's and the areas identified as important "heavy use" areas for native communities across the forest (FEIS Chapter 3, Wildlife Analysis tables), the extended timber rotation focuses on all areas where deer habitat capability is a concern. The rotation strategy addresses the concern of increased competition for deer that might result from shifts in hunting pressure that could occur if only a few areas of concern were addressed.

I feel that these actions will increase the Forest's ability to meet subsistence needs over the long term.

Maintenance of viable and huntable populations of wildlife

You contend that doubts about various aspects of your home ". . . will be future causes of stress, hardship, and bad feelings toward the Forest Service's heavy-handed management style of clearcut stalking without regard to the future or future condition of the habitat needed to maintain viable and huntable populations of wildlife" (NOA, p. 1).

Discussion

While clearcutting is an option that could be used, the Regional Forester acknowledged the need to look at other silvicultural systems.

"The Tongass National Forest will continue to allow timber harvest while maintaining sustained yield and multiple use goals. The forest-wide standards and guidelines for timber include general direction to 'Ensure that silvicultural systems other than clearcutting are considered through an appropriate project level analysis process. However, uneven-aged management systems will be limited to areas where yarding equipment suited to selective logging can be used' " (1997 ROD, p. 5).

The response to public comments also addressed concerns related to clearcutting. In Appendix L of the FEIS, the Forest responds to the major public issue of eliminating clearcutting, and that the Forest should move to selection, group selection and shelterwood cutting systems:

"Uneven-aged, two-aged, and even-aged methods are all available for selection at the site specific project level. The basis for the selection for a given harvest unit is based on a broad match of silvicultural systems with the ecological

characteristics of the vegetation and the overall planning objectives of broadly defined Land Use Designations. No single silvicultural system can produce all desired combinations of products and amenities from a particular stand. A good silvicultural system is a solution to a specific set of circumstances, and it should fit logically into the overall management plan for the Forest. The system must provide for the control of damaging agents and provide adequate resistance to the same. A silvicultural system develops from a specific analysis that considers such issues as worker safety, logging systems layout, pathogen and insect effects, animal populations, stand development and yield, watershed effects, and economics. The Region's ecosystem strategy encourages the testing of alternative silvicultural systems in cooperation with local industry" (FEIS Appendix L, p. L-131).

The Tongass National Forest considered and analyzed different silvicultural practices. Appendix G of the FEIS contains information and discussion on different silvicultural practices, including the clearcutting method.

The wildlife analysis considered the effects of timber harvest as well as other potential resource activities. The FEIS assumed a certain amount of timber harvest in effects analysis (FEIS, p. 4-429). For estimating the effects of alternatives at the programmatic Forest Plan level certain assumptions have to be made. Here the assumption is made that the kinds of resource management activities allowed under the LUD's will in fact occur to the extent necessary to achieve the goals and objectives of each alternative. However, the actual location, design and extent of such activities is not known at this time; that is a project-by-project decision (FEIS, p. 3-2).

The Regional Forester's comprehensive review and evaluation of the alternatives determined that

'[a]dditional standards and guidelines added to Alternative 11, which respond to concerns raised in connection with certain wildlife species, provide further assurance that Alternative 11 will adequately maintain wildlife habitat" (1997 ROD, p. 15). Using the results from the wildlife analysis, he stated:

"Wildlife habitat needs are predicated to a great extent on maintenance of old-growth forest. The old-growth habitat strategy is comprised of two key components. The first is a forest-wide system of reserves that is designed to protect the integrity of the existing old-growth ecosystem. The system of reserves included in the Forest Plan is based on the old-growth conservation strategy initially developed by the Interagency Viable Population Committee (VPOP) in 1993, with modifications as a result of additional scientific information and analysis" (1997 ROD, p. 6).

The Regional Forester outlined in the 1997 ROD on pages 31 through 36, "Diversity and Viability Provisions for Fish and Wildlife." In conclusion he stated:

"Our understanding of the biological diversity of the complex old-growth ecosystem of the Tongass National Forest, including its composition, function and structure, is continually growing. Given the complexities involved, management decision necessarily will involve some degree of uncertainty. Based on my review of the record, including the Final EIS and Appendix N, I find that the old-growth strategy and specific species management prescriptions represent a balance of wildlife habitat conservation measures which consider the best available scientific information and, within an acceptable level of risk inherent in projecting management effects, will provide fish and wildlife habitat to maintain well-distributed viable populations of vertebrate species in the planning area, and maintain the diversity of plants and animals" (1997 ROD, pp. 35-36).

With respect to huntable wildlife populations, deer habitat capability is extensively addressed in the FEIS (pp.3-376 through 3-379 and Appendix H). Alternative 11 includes a forest-wide system of large, medium and small old-growth habitat reserves. Collectively these old-growth reserves contribute to maintenance of deer habitat capability distributed across the Forest. Some loss of deer habitat capability has occurred and will continue to occur under all alternatives. Some of these declines will be in areas that currently receive relatively high hunting pressure. Overall, Alternative 11 maintains relatively high deer densities. This is a result of the 1,000-foot beach fringe, larger riparian reserves, large, medium, and small old-growth habitat reserves, and other large reserved areas such as south Cleveland Peninsula and South Kuiu Island, that result in scheduling a relatively low level of old growth for timber harvest (FEIS, p. 3-369).

The Forest-wide standards and guidelines for wildlife include requirements to "[i]dentify important deer winter range before or as part of project analysis" and to "[a]ssure interdisciplinary involvement and consideration of deer winter range in project planning and in the environmental analysis process" (1997 Forest Plan, p. 4-113). Deer habitat also is protected under a standard for wolf conservation. In all, the 1997 Forest Plan protects 86 percent of high-value deer winter range and 83 percent of the 1954 habitat capability in the year 2095 (FEIS, p. 3-368 and 1997 ROD, p. 17). As a result, the FEIS concludes that Alternative 11 "ranks relatively high in the conservation of deer habitat" (FEIS, p. 3-369).

Although the FEIS states that Alternative 11 would conserve deer populations, some areas may experience declines. In WAA's near Point Baker and Port Protection, Alternative 11 would result in decreased deer habitat capability due to timber harvest and other factors such as winter severity, hunting and predation pressure (FEIS, p. 3-368). However, the estimated deer harvest would still be low and deer herds are expected to be sustained to the year 2095 (FEIS Appendix H, pp. H-85 to H-87). Further discussion on deer and subsistence in Point Baker and Port Protection is found above, under the section "Recognition of the needs and long term requirements of the Forest Dwellers."

Decision

After reviewing the record, I find that future needs for viable and huntable wildlife populations were adequately discussed and analyzed at the appropriate programmatic level consistent with the NEPA and other applicable laws, regulations and policy.

However, based upon my review, I have determined that there was a need to modify provisions of the plan to better address subsistence uses in the enclosed 1999 ROD (Appendix B). I have converted more acres from development to mostly natural LUD's in a number of Areas of Special Interest (see enclosed 1999 ROD, Wildlife section) to further protect subsistence needs and other special values associated with these lands. Thirteen of the eighteen Areas of Special Interest are available for subsistence (see enclosed 1999 ROD, Areas of Special Interest section).

In addition, I have added a standard which extends timber rotation from 100 to 200 years in 42 WAA's where deer habitat capability concerns exist (see enclosed 1999 ROD, Deer Winter Range section). Reducing the rate at which timber is harvested diminishes the risk to deer habitat capability and thus increases capability for subsistence use of deer. Because there is a strong relationship between those WAA's and the areas identified as important heavy use areas for native communities across the forest (FEIS Chapter 3, Wildlife Analysis tables), the extended timber rotation better addresses subsistence. The extended timber rotation also focuses on all areas where deer habitat capability is a concern. The rotation strategy addresses the concern of increased competition for deer that might result from shifts in hunting pressure that could result if only a few areas of concern were addressed.

I feel that these actions will increase the Forest's ability to meet subsistence needs over the long term

Recreation planning

You contend that "[a]lso lacking is any type of recreation planning, either in suitable destinations or planning of suitable destinations in our area" (NOA, p. 1).

Discussion

Recreation planning at the 1997 Forest Plan programmatic level was thoroughly discussed in the FEIS (pp. 3-100 to 3-147) and the planning record (Record, RS-G-3,3b,3c,4, TLMP). Alternative 11 incorporated recreation with respect to LUD's. The Regional Forester used a variety of LUD's which enhance different recreation opportunities:

"Several LUD's, in particular Semi-remote Recreation and Scenic River, provide opportunities for a spectrum of recreation and tourism activities, and permit facilities consistent with the land setting. Where opportunities exist to enhance recreation or tourism experiences in natural settings, LUD's that allow developed recreation or tourism facilities are favored over those that do not encourage developed recreation. We will cooperatively participate with local communities and user groups when implementing development projects to supplement those opportunities located on other lands and jurisdictions . . ."
(1997 ROD, p. 4).

The Regional Forester again emphasized the diversity of Forest users and assigned different LUD's to reflect various recreation experiences. He explained this in his 1997 ROD, when he stated:

"Some Forest users prefer unmodified, unroaded areas with limited access and few improvements. Others prefer natural-appearing areas accessible by road. Some reviewers expressed concern about the projection that the demand for Semi-primitive Motorized recreation opportunities (principally boating and floatplane use of fairly remote areas) is expected to exceed the available capacity, and suggested reducing timber harvest activities near certain bays and anchorages to avoid this result.

Some land allocations have been changed in response to these concerns. In addition, the 1,000-foot beach-fringe buffer and the riparian standards and guidelines will reduce scenic changes in those places scheduled for timber harvest.

The demand for Semi-primitive Motorized recreation opportunities is expected to exceed the inventoried supply due in large degree to an increasing resident population and tourism growth. These factors will increase the number of people operating boats and planes to access Semi-primitive Motorized areas, especially those places surrounding larger communities. This may make the areas less desirable to those people who want the solitude associated with a semi-primitive recreational experience. People may adapt to the increasing number of people, they may discontinue going to the National Forest, or they may search out new areas, traveling farther to regain solitude. These changes are expected to occur under any Forest Plan alternative. Relatively few changes in semi-primitive motorized opportunities are expected to occur as a result of land management activities such as timber harvesting. Recreation and tourism resources are discussed on pages 3-128 to 3-147, and 3-488 to 3-491 of the Final EIS.

My decision focused on the different recreation and tourism opportunities and kinds and quality of recreation experiences available throughout the Forest. Consequently, I believe the resource standards and guidelines and the changes in LUD allocations reflected in Alternative 11 are sufficient to maintain recreational and tourism opportunities throughout the Forest" (1997 ROD, p. 22).

The 1997 ROD and FEIS specifically addressed areas of your concern, in particular Prince of Wales Island, Kuiu Island, Sumner Strait and roadless areas. Some of this discussion is found above, under the Section "Recognition of the needs and long term requirements of the Forest Dwellers." South Kuiu will be allocated entirely to Semi-remote Recreation. East Kuiu Island will be allocated to mostly Old-growth Habitat or Modified Landscape (1997 ROD, pp. 22 to 23). In the viewshed of Sumner Strait, Alternatives 11 adopts a range of Visual Quality Objectives (VQO) including retention (two Old-growth Habitat areas and LUD II's),

modification in the middleground and background portions of the Prince of Wales side (Modified Landscape), and partial retention in the Mitkof/Zarembo Island area (Scenic Viewshed). It adopts a maximum modification VQO along most of the Kupreanof side of the waterway (Timber Production). In addition, Alternative 11 allocates additional Old-growth allocations primarily along the south shore of Kupreanof Island (north shore of Sumner Strait) (FEIS, p. 3-193). "These represent small areas that will be managed for a retention VQO within a larger area allocated to Timber Production with an adopted VQO of maximum modification" (FEIS, p. 3-193). The FEIS also states that "[b]ecause the impact of existing harvest in a few areas (particularly at the north end of Prince of Wales Island) has reached or exceeded the level allowed by the adopted VQO's, for all alternatives, further analysis may indicate that even-aged harvest will need to be reduced or deferred in these areas for the next 10-20 years" (FEIS, p. 3-193).

Alternative 11 results in the greatest amount of primitive and semi-primitive opportunities outside of Alternative 1 (FEIS, p. 3-128). Alternative 11 puts 77 percent of Forest-wide recreation places in the natural or Wilderness category (FEIS, pp. 3-130 to 3-131). Also Alternative 11, 6,994,374 roadless acres (or 74 percent of the currently remaining roadless areas) are allocated to the Natural Setting LUD and would remain essentially in their natural condition; 2,393,573 roadless acres are allocated to the Moderate and Intensive Development LUD's where roads and other development may occur over time (FEIS, p. 3-174).

It is evident from the Regional Forester's selection of Alternative 11 that he considered the needs and demands of many recreation users interested in Prince of Wales Island, Kuiu Island, Summer Strait, and roadless areas. Alternative 11 has a VQO and land use allocations that provide the greatest amount of primitive and semi-primitive opportunities.

Decision

After reviewing the record, I find that recreation planning was adequately discussed and analyzed at the appropriate programmatic level consistent with the NEPA and other applicable laws, regulations, and policy.

However, in order to reduce risk as explained above, I have decided to change all development LUD's on East Kuiu to Semi-Remote Recreation and Remote Recreation, as indicated in the enclosed 1999 ROD. The northern portion of Prince of Wales Island, from Whale Pass north, is now in a non-development LUD or 200 year timber harvest rotation.

I have also elected to include environmental protection that will further enhance recreation and tourism opportunities in southeastern Alaska. Furthermore I have included Areas of Special Interest composed almost entirely of Semi-Remote and Remote recreation LUD prescriptions, which will further benefit local tourism industries (enclosed 1999 ROD, Recreation and Tourism section).

Sincerely,

/s/ James R. Lyons

JAMES R. LYONS
Under Secretary
Natural Resources and

Environment
Enclosures
List of Parties
1999 ROD