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File Code: 1570-1 (EMC)

Date: April 13, 1999

*Ms. Katya Kirsch  
Lynn Canal Conservation, Inc.  
P. O. Box 964  
Haines, Alaska 99827*

*RE: Appeal of the Record of Decision for the Tongass National Forest Land and Resource Management Plan (#97-13-00-0119)*

*Dear Ms. Kirsch:*

*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 Land and Resource Management Plan (1997 Forest Plan) for the Tongass National Forest in Alaska.*

*Your Notice of Appeal (NOA) was received on October 3, 1997. Your appeal on behalf of Lynn Canal Conservation, Inc., was timely. The Regional Forester transmitted the relevant decision documentation and pertinent appeal records (AR) to this office on November 21, 1997. Many interested parties requested and were granted intervenor status (see enclosed list of parties). Intervenors whose comments were received are also listed on the enclosed list of parties.*

#### *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.<sup>1</sup> 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 analysis and evaluation of such actions . . . ; related documentation and decisionmaking; and*

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<sup>1</sup>*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).*

*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.*

*Your appeal contains various concerns related to wild and scenic rivers, minerals and timber LUD's, wildlife viability, cumulative effects, impacts from tourism, and the range of alternatives addressed in the 1997 Forest Plan. Requested relief is that the 1997 Forest Plan be amended.*

*Although every contention made by you may not be cited in this decision, all of your concerns have been considered.*

### *Wild and Scenic Rivers*

*"Lynn Canal Conservation objects to the decision to not include the mouth of the Katzehin River, all of the South Sullivan River, and the lower Endicott River as 'Wild Rivers' under the Wild and Scenic River Act" (NOA, p. 1).*

## *Discussion*

*Eligibility is the first step in the assessment of a river segment for potential inclusion in the National Wild and Scenic River System. As part of the forest planning process, river study teams determine eligibility for wild and scenic river designation by applying the criteria in sections 1(b) and 2(b) of the Wild and Scenic Rivers Act (WSRA) and the procedures established in the Forest Service Handbook (FSH 1909.12, 8.21). In summary, the Forest Service determination of eligibility for wild and scenic river designation, as part of the forest planning process, includes specialists' evaluations (based on criteria in section 1(b) of the WSRA of identified rivers, consideration of public comments, and a determination of eligibility by the deciding officer.*

*The next step results in the classification of the study river as "wild," "scenic," or "recreational." For those rivers which the study teams finds eligible, the third and final step is a determination of whether the river is suitable for inclusion in the national system. This step can be done during the forest planning process or at a later date. Criteria of primary importance in determining suitability are the qualities that a river segment possesses, as identified through the eligibility evaluation (and as directed under sections 1(b) and 2(b) of the WSRA and FSH 1909.12, 8.21). However, there are several other important criteria that should be considered in determining suitability, as directed under FSH 1909.12, 8.23 and the Final Revised Guidelines for Eligibility, Classification and Management of River Areas, 47 Federal Register 39454 (September 7, 1982). The factors to consider include:*

- 1. The characteristics which do or do not make the area a worthy addition to the National System (e.g. "outstandingly remarkable" values identified during the eligibility analysis and the river segment's free-flowing condition).*
- 2. The current status of land ownership and use in the area, including the amount of private land involved and the uses on such land.*
- 3. The reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the Wild and Scenic River System, and the values which could be foreclosed or diminished if the area is not protected as part of the System.*
- 4. Public, State, and local governmental interest in designation of the river, including the extent to which the administration of the river, including the costs thereof, may be shared by State and local agencies.*
- 5. The estimated cost of acquiring necessary lands and interest in land and of administering the area if it is added to the System.*
- 6. Other issues and concerns identified during the planning process.*

*Once these factors have been fully evaluated, a determination is made on whether the river segment should or should not be recommended for designation as part of the System. As*

*provided at FSH 1909.12, 8.41(2), wild and scenic river suitability determinations conducted as part of the forest planning process are:*

*. . . a preliminary administrative recommendation for the wild and scenic designation . . . that will receive further review and possible modification by the Chief of the Forest Service, Secretary of Agriculture, and the President of the United States. The congress has reserved the authority to make final decisions on designation of rivers as part of the National Wild and Scenic Rivers System.*

*An evaluation was conducted for the purpose of determining the eligibility of rivers and streams on the Tongass National Forest. An inventory of all areas of the Forest by Forest Service personnel and others was done (Record, RS-G-6-a, TLMP, #443). Using this information, streams and rivers with possible outstandingly remarkable values were identified and evaluated (Record, RS-G-6-a, TLMP #443 and FEIS, p. 3-331), as directed under sections 1(b) and 2(b) of the WSRA. Rivers that did not possess outstandingly remarkable values or free-flowing conditions were determined to be ineligible (Record RS-G-6 and RS-G-6a).*

*All rivers on the Tongass were initially reviewed for outstandingly remarkable values (FEIS, p. 3-331). These exemplary rivers were an important factor in forming the basis for recommending rivers as additions to the National Wild and Scenic Rivers System (Record, RS-G-6, TLMP #1048 and FEIS Appendix E, p. E-4).*

*The evaluation resulted in the determination that 112 rivers on the Tongass National Forest are eligible for consideration as components of the National Wild and Scenic River System. Therefore, those rivers that are not eligible for consideration are not included in the list of 112 rivers. However, two rivers of your concern, the Endicott and Katzehin Rivers, are in this list of 112 eligible rivers (FEIS, p. 3-331).*

*The Regional Forester reviewed the wild and scenic river eligibility process. He recommended 32 of the 112 eligible rivers for inclusion in the National Wild and Scenic Rivers System (1997 ROD, p. 9). He states:*

*These recommendations are preliminary administrative recommendations that will receive further review and possible modification by the Chief of the Forest Service, the Secretary of Agriculture, and the President of the United States. Congressional action is necessary to designate rivers as part of the National Wild and Scenic Rivers System. With regard to the remaining 80 eligible rivers not recommended for designation as part of the National Wild and Scenic Rivers System, 37 of them have a majority of their eligible corridors within Wilderness areas or Legislated LUD II areas, and are therefore statutorily protected from development. In addition, 25 rivers have a majority of their eligible corridors within other non-development LUD's. There will be no scheduled timber harvest, and very little of other kinds of development, in these areas over the next 10 to 15 years. These rivers could be recommended for designation in future Forest Plan revisions.*

*The Regional Forester specifically discussed the rationale for suitability of the Endicott and the Katzehin Rivers. He did not recommend the lower two miles of the Katzehin for designation as part of the National Wild and Scenic Rivers System. This segment, at the mouth of this river, has been deemed unsuitable for such designation because of the transportation corridor proposed by other public agencies between Juneau and Haines as well as the presence of State-selected lands (1997 ROD Appendix A, p. A-6).*

*Most of the Endicott River is within the Endicott River Wilderness. This designation will protect the river's outstandingly remarkable values and free-flowing characteristics. The Regional Forester gives the following rationale:*

*"The lower 2-1/2-mile segment of the river that is not in the Wilderness is not suitable because of both a potential road corridor from Juneau to Haines and the presence of over 500 mining claims and eight mill sites. The mineral potential was recognized when the Wilderness was created; therefore, the decision is to not preclude the development opportunities in this stretch of the river. While designation as a Wild River would not necessarily prevent development, there would be severe restrictions. Non-designation could lead to changes in the river's characteristics through implementation of the road corridor or future minerals development. If a decision is made not to construct the road across the Endicott River, the entire river could be considered in the future for Wild designation, or for Scenic or Recreational designation even if the road is built across the river" (1997 ROD Appendix A, p. A-16).*

### *Decision*

*After reviewing the record, I find that the eligibility and suitability of the mouth of the Katzehin River and the lower Endicott River were adequately discussed and considered, and the recommendation of portions of the Endicott and the Katzehin systems for designation in the Wild and Scenic River System, as described in the 1997 ROD, was consistent with the WSRA and NEPA. However, I find no discussion of the South Sullivan River.*

*I direct the Regional Forester to complete and document an eligibility analysis for the South Sullivan River and share the finding with the appellants and intervenors. If the analysis was prepared and not documented in the record, I direct the Regional Forester to include it in the record and share it with the appellants and intervenors. I further direct the Regional Forester to avoid any activities that would preclude eligibility and suitability until such time as the eligibility analysis is completed and documented. If the South Sullivan River is determined to be eligible, it shall be managed in accordance with FSH 1909.12, Chapter 8, Sec. 8.14, pending suitability review. If it is determined to be ineligible, activities may continue consistent with management area prescription as soon as analysis findings are documented and distributed as directed above.*

### *Minerals and Logging*

*" . . . Lynn Canal Conservation, Inc. objects to logging designations for the Sullivan River area (west of Sullivan Island), St. Mary's/Pt. Sherman area (north of Berner's Bay), the St. James Bay area, and Pt. Couverdon/Homeshore. Mining at Kensington near Pt. Sherman and a road along the east side of Lynn Canal would create a tremendous increase in human access to marine resources and could have major impact" (NOA, p. 2).*

## Discussion

*Under the MUSYA, the Forest Service is directed to manage the National Forests for multiple use and sustained yield of the renewable products and resources with consideration given to the relative values of the various resources in particular areas, but not necessarily the combination of uses that will give the greatest dollar return or greatest unit output (16 U.S.C. 531). The NFMA implementing regulations at 36 CFR 219.1(a) further require that "the resulting plans shall provide for multiple use and sustained yield of goods and services from the national forest in a way that maximizes long term net public benefits in an environmentally sound manner." The regulations at 36 CFR 219.3 defines Net Public Benefit, which includes both quantitative and qualitative criterion.*

*As stated in his decision, the Regional Forester clearly recognized the importance of maintaining options "for a variety of social and economic uses of the Tongass - from continuing a timber harvest program that provides a sustainable supply of timber and other timber products to providing for subsistence opportunities and unspoiled settings for recreation and tourism" (1997 ROD, p. 15).*

*The Regional Forester also stated that: "The Forest Plan must be designed to provide a mix of resources and uses to best meet the needs of the American people. It must be designed to maximize net public benefits" (1997 ROD, p. 37).*

*In addition, he explained that:*

*"The Forest Plan, Chapters 3 and 4, sets forth the management prescriptions that describe how land managers should operate on the Tongass National Forest. These chapters provide the expectations and limits on how and where activities will be conducted. The prescriptions include Land Use Designations (LUD's) with a range of management objectives, and specific standards and guidelines designed to ensure attainment of those objectives" (1997 ROD, p. 3).*

*The 1997 Forest Plan assigned LUD's to meet these goals and specify how areas of the Tongass National Forest are to be managed. You are concerned that the Timber Production and Minerals LUD's would give preference to these resources over other uses. Areas under the Timber Production LUD will be managed "to maintain and promote industrial wood production. These lands will be managed to advance conditions favorable for the timber resource and for long-term timber production" (FEIS, p. 2-6). Whereas, areas under the Minerals LUD will be managed for the "exploration and development of mineral resources in areas having high potential for mineral commodities including nationally-designated strategic and critical minerals" (FEIS, pp. 2-6).*

*Each LUD has a list of standards and guidelines. Standards and guidelines govern resource management activities and are key to implementation of the 1997 Forest Plan. Some of these standards and guidelines apply to all lands, others to specific LUD's, such as Minerals and Timber Production. The Regional Forester explained that, "[t]hese standards and guidelines take precedence over annual targets or projected outputs; no project or program will be funded for which the applicable standards and guidelines cannot be carried out" (1997 ROD,*

*p. 3). The standards and guidelines for both the Minerals and Timber Production LUD's provide the framework for any site-specific environmental analysis of potential effects of mineral activity and of timber harvest on other resources. These guidelines are designed to assure the long term productivity of the land. Short term effects associated with minerals and timber harvest activities will be mitigated by measures consistent with the scale of the development and the potential resource impacts. The Minerals and Timber Production LUD's are not single-use management any more so than other LUD's (FEIS, p. 2-7). Standards and guidelines for other Resources in the Minerals and Timber Production LUD's are thoroughly discussed in the 1997 Forest Plan (pp. 3-144 to 3-157). There are also Forest-wide standards and guidelines, such as Beach and Estuary Fringe, Fish, Riparian, Threatened, Endangered and Sensitive Species, and Wildlife, that apply to all areas of the Forest (1997 Forest Plan, pp. 4-1 to 4-122). Site-specific environmental analysis of alternative ways to develop and extract the mineral reserve will occur at the project level (FEIS Appendix L, p. L-46).*

*Appendix L of the FEIS discusses LUD allocations in Lynn Canal in response to public comments.*

*"The shoreline of the west side of Lynn Canal is in Semi-remote Recreation and Scenic Viewshed. It is Modified Landscape behind Sullivan Island. On the east side, the shoreline at and just north of Berners Bay is in Modified Landscape, then in Semi-remote Recreation all the way to Skagway. All of these allocations recognize the importance of the scenic qualities of Lynn Canal (marine highway and cruise ship route), and the recreational uses of the bays and inlets. The Modified Landscape allocations are made to facilitate possible mineral development while providing for scenic quality; the Minerals LUD is also applied to the high-potential mineral tracts in these two areas. Inland from these areas on the west side the land is allocated to Semi-remote Recreation, and on the east side to Remote Recreation. Much of Berners Bay is now in the Legislated LUD II LUD; Sullivan Island is in Semi-remote Recreation. The Transportation and Utility Systems LUD is overlain on the above LUD's on both sides of the Canal to recognize the potential for a transportation route identified by the State of Alaska. The State has no proposals for development of such a route at this time" (FEIS Appendix L, pp. 257 to 258).*

*With respect to the Minerals LUD, except for wilderness and certain other withdrawn areas, all Tongass National Forest lands are open to minerals exploration and development. Absent withdrawal, the General Mining Law of 1872, as amended, grants every United States citizen the right to prospect and explore public domain lands open to mineral entry (FEIS, p. 3-89). "For certain areas with high mineral development potential, a Minerals LUD has been developed. The 1997 Forest Plan applies the Minerals LUD to 12 areas with high potential for development that also show likely economic viability" (1997 ROD, p. 4). If development occurs, "standards and guidelines will be applied to mineral exploration and development and include provisions which require financial bonds where appropriate and review of plans of operation with appropriate mitigation measures the appropriate environmental analysis in compliance with NEPA will occur and standards and guidelines will be applied with appropriate mitigation measures" (1997 ROD, p. 4). Forest-wide standards and guidelines,*

*such as Beach and Estuary Fringe, Fish, Riparian, Threatened, Endangered and Sensitive Species, and Wildlife, also apply within Mineral LUD's (1997 Forest Plan, pp. 4-1 to 4-122).*

### *Decision*

*After reviewing the record, I find the appropriateness of the minerals and timber LUD's for these areas was discussed and considered, including public comment. The analysis was consistent with the NEPA and other applicable laws, regulations, and policy. I affirm the Regional Forester's decision. Nothing in the enclosed 1999 ROD affects the 1997 ROD on this issue.*

### *Viability of Wildlife Species*

*You contend that "[i]mpacts to wildlife in all these areas [listed above] need to be addressed. The Forest Service is mandated to protect viable and well-distributed populations of vertebrates throughout the Tongass" (NOA, p. 2).*

### *Discussion*

*Your statement is correct that viability and distribution must be reviewed in a forest-wide context. That is the manner in which my review took place and will be discussed below.*

*You have several concerns regarding wildlife, including population viability, cumulative effects of multiple activities and concerns about several individual species. The wildlife analysis in the planning record and FEIS. The wildlife analysis can be found in Chapter 3 of the FEIS and the planning record (Record, RS-G-10-b, TLMP # 848, 855, 856, 860, 862, 863, 1364, 1604 to 1608 and FEIS, pp. 3-380 to 3-429). The Regional Forester addressed your concerns in four sections, population viability, management indicator species analysis, threatened and endangered species analysis and wildlife cumulative effects analysis. You also request site-specific analysis for some species in the Lynn Canal area (Queen Charlotte Goshawk, marbled murrelet, peregrine falcon, Steller's sea lion and humpback whale). Your concern is site specific, related to the impacts of a specific project, and therefore not addressed at the forest plan level. As discussed above, the 1997 Forest Plan provides programmatic direction in the form of multiple-use goals and objectives, land allocations, and management direction to guide site-specific project decisions in an environmentally and economically efficient manner (FEIS Appendix L, pp. L-129 to L-130). Approval of the 1997 Forest Plan does not mandate any project decisions or any site specific analysis, including the impacts of transportation of personnel and supplies to mine sites on whales and sea lions. Thus effects would be disclosed in environmental analysis relating to a specific decision. Such projects must be consistent with the programmatic environmental protection direction in the 1997 Forest Plan (16 U.S.C. 1604 (i)). Any project, including mining, that would occur is required to have environmental analysis and documentation, in compliance with the NEPA.*

### *Population Viability*

*In the 1997 ROD the Regional Forester emphasized the function of the old-growth habitat strategy as it relates to wildlife habitat needs. 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 explained that, "[t]he analysis contained in the Final EIS (pages 3-362 to 3-429) and Appendix N supports the need for additional protection of wildlife habitat from the current situation" (1997 ROD, p. 27). Furthermore he recognized that, "the scientific information on habitat needs of several Tongass wildlife species is incomplete, the analysis contained in the Final EIS incorporates the best scientific information available, including among other things the VPOP Committee's 1993 report, the independent peer review of that report (PNW Station, 1994), the VPOP Committee's 1994 response to the peer review, the conservation assessments for the wolf, goshawk, and marbled murrelet, and the results of panelists convened to assess the risk associated with the various alternatives to certain species" (1997 ROD, p. 27).*

*The Regional Forester's statement is consistent with the findings of an evaluation that examined how scientific information was used in making management decisions for the Tongass National Forest and evaluated whether the decisions were consistent with the available information. The assessment found that major "[d]ecisions on development of an old-growth forest reserve strategy to provide habitat for well-distributed wildlife populations across the Tongass are consistent with available information" (Record RS-F, TLMP 1594). In general the evaluation noted that the final alternative, [not the "preferred alternative" in the RSDEIS] achieved a high degree of overall consistency with the available scientific information" (Record RS-F, TLMP 1594).*

*The NFMA implementing regulations require the Forest Service to "maintain viable populations of existing native and desired non-native vertebrate species in the planning area" (36 CFR 219.19). The Regional Forester outlined in the 1997 ROD how the Tongass is meeting this requirement on pages 31 through 36, "Diversity and Viability Provisions for Fish and Wildlife" and stated in conclusion:*

*"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).*

*The FEIS has a specific discussion about Alternative 11 and wildlife viability. Alternative 11 (1997 Forest Plan) built upon the VPOP old growth reserve plan and included measures to protect landscape connectivity (riparian and beach fringe standards) and important ecological critical links. It also ". . . meets conservation planning measures considered important to sustain viable populations of the Alexander Archipelago Wolf and Queen Charlotte Goshawk as identified in interagency conservation assessments" (FEIS, p. 3-429 and Appendix N).*

### *Management Indicator Species*

*The NFMA and implementing regulations at 36 CFR 219.19 (a)(1) indicate the purpose of identifying management indicator species (MIS) is to estimate the effects of each alternative on fish and wildlife. An MIS may represent a much broader group of species which will have similar responses to specific management activities. Thirteen MIS have been identified for the 1997 Forest Plan. "All of the MIS are associated with the spruce and hemlock forests of Southeast Alaska, which represent 98 percent of the productive old-growth forests of the Tongass" (1997 ROD, p. 33). The effects of the 1997 Forest Plan on MIS, as well as two species of concern, the Queen Charlotte goshawk and the Alexander Archipelago wolf, are thoroughly analyzed in the FEIS (1997 ROD, p. 33). Mountain goat, black bear, brown bear, bald eagle and Vancouver Canada Goose were all considered MIS. All of these species had detailed discussions in the planning record and FEIS (Record, RS-G-10-b, TLMP # 848, 855, 856, 860, 862, 863, 1364, 1604 to 1608; FEIS, 3-363 to 3-365 and 3-415 to 3-420). Alternative 11 (of the 1997 Forest Plan) provides high levels of protection compared to other alternatives, using acres of productive old-growth forest scheduled for harvest over the next 100 years as a major criterion for evaluating the effects to these species (FEIS, p. 3-365).*

*"Many of the MIS, as well as the other species of concern, are covered by specific and general standards and guidelines in the Forest Plan (Chapter 4, Wildlife Forest-wide standards and guidelines). These are designed to reduce, minimize or avoid adverse effects potentially occurring at the project level during forest plan implementation. For several of the MIS, a Forest-wide analysis based on general habitat changes can not provide enough detail or 'fine-tuning' to reliably predict alternative consequences" (FEIS, p. 3-363). However, the FEIS states "the species-specific and other standards and guidelines can be relied upon to maintain some of the habitat features and other factors necessary for these species. Thus an analysis combining an overall forest-wide old-growth conservation strategy at a more general level, with the reliance on standards and guidelines to address project-level effects, is used. For most old-growth-associated species not specifically assessed here it can be assumed that, to the extent that functional and inter-connected old-growth ecosystems are maintained, the various specific habitats within them important to these species will also be maintained" (FEIS, p. 3-363).*

### *Threatened and Endangered Species Analysis*

*Appendix J of the FEIS contains the Biological Assessment, which assesses potential effects for all listed threatened and endangered species that occur on the Tongass National Forest. Listed wildlife species include the American peregrine falcon, humpback whale and the Steller sea lion (FEIS, p. 3-238). Consultation requirements under Section 7 of the Endangered Species Act (ESA), were completed with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service. Both agencies reviewed the Biological Assessment for the Threatened and Endangered species under their regulatory jurisdiction and concluded that the 1997 Forest Plan revision was "not likely to adversely affect" threatened or endangered species occurring on the Tongass National Forest. Copies of correspondence with each agency are included in Appendix J of the FEIS.*

*Standards and guidelines for threatened, endangered and sensitive species will ensure these species are protected during site specific project analysis (1997 Forest Plan, pp. 4-88 through 4-93). The Queen Charlotte goshawk and Alexander Archipelago wolf were subjects of ESA listing petitions that were reviewed and formally accepted by the FWS in 1994. The FWS concluded in 1995 that listing was not warranted for either subspecies. In part, the FWS decisions were based on expectations of the Forest Service employing species specific conservation strategies into the 1997 Forest Plan. Recent court decisions have required the FWS to re-evaluate both listing petitions.*

*The Regional Forester carefully reviewed the 1997 Forest Plan, FEIS, and findings of the FWS for protection measures for the Queen Charlotte goshawk and Alexander Archipelago wolf. In his decision he stated, "[b]oth subspecies, I believe, will be adequately protected by this Plan as discussed in Appendix N of the Final EIS and elsewhere in this ROD" (1997 ROD, p. 38).*

#### *Wildlife Cumulative Effects*

*The NEPA regulations at 40 CFR 1508.25 require that environmental impact statements address the direct, indirect, and cumulative impacts of proposed actions. "Cumulative impact" is defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions . . ." (40 CFR 1508.7).*

*The 1997 Forest Plan and FEIS provide the programmatic framework for future decisionmaking; they do not contain site-specific decision. Thus, the scope of the action being considered in approval of Forest plans does not involve an irretrievable commitment of resources, and cumulative impacts of site-specific decisions need not be discussed in the programmatic EIS. The EIS prepared for the 1997 Forest Plan is, by its very nature, a cumulative impact analysis document at the programmatic level.*

*In his decision, the Regional Forester explained the extent to which the FEIS analyzed cumulative effects when he stated:*

*The Final EIS reflects consideration of cumulative effects of the alternatives by evaluating past, present, and reasonably foreseeable future actions in the planning area. In broad and general terms, the analysis estimates timber*

*activities and timber associated activities, such as road building, in excess of 100 years. The analysis of effects to wildlife was based on implementation of the Forest Plan for 100 years and considers changes to vegetation both temporally and spatially (FEIS, pp. 3-351 to 3-430). Moreover, although non-federal lands are outside the scope of this decision, effects from their management have been considered in the Final EIS to a degree appropriate for a programmatic NEPA document at this scale" (1997 ROD, p. 30).*

*The Regional Forester went on further to state:*

*"Also, some new standards and guidelines for wildlife, which address landscape connectivity, endemic terrestrial mammals, northern goshawk, and American marten, were added to the Plan through the process described in Appendix N of the FEIS. My intent in adding these new standards and guidelines is to avoid some possible long-term cumulative effects without disrupting timber sale projects currently being implemented. Therefore, I am directing the Forest Supervisors to review the projects in this category and to incorporate the new measures to the extent feasible, but only in a manner that will avoid causing major disruptions in their implementation" (1997 ROD, p. 40).*

*It should also be noted that cumulative effects analysis is required at the site-specific project level as well as at the forest plan level. The Forest Service will examine cumulative effects in the context of future site-specific project decisions and NEPA analyses.*

#### *Decision*

*After reviewing the record, I find the effects to wildlife, including viability, MIS, threatened and endangered species and cumulative effects were adequately discussed and considered with respect to law, regulation, and policy.*

*However, I have determined that there was a need to modify the provisions of the 1997 Forest Plan to better address viability of old growth dependent species, including the goshawk, wolf, and American marten (see Management Indicator Species and Other Species of Management Concern section of the enclosed 1999 ROD).*

*For the wolf, I have added a standard that reduces road density, therefore decreasing the potential for wolf mortality. The change from 100 to 200 year timber harvest rotation will increase viability for both the northern goshawk and American marten by providing more old growth habitat for these species. For specific standards and guidelines refer to the enclosed 1999 ROD Appendix B.*

*In addition I have also strengthened viability for all the old growth dependent species by changing specific LUD's from development prescriptions to mostly natural prescriptions.*

#### *Cumulative Effects*

*You contend that "[t]he cumulative visual, auditory and recreational impacts of logging and mining LUD's in this area could clearly change the present wilderness qualities of the area to that of a major industrial zone. The [1997] ROD does not consider the cumulative visual impacts of the road, the mines, logging and other projects as seen from Lynn Canal" (NOA, p. 3).*

### *Discussion*

*A general discussion of cumulative effects analysis in forest plans is found above under the Wildlife Cumulative Effects section.*

*The Regional Forester discussed visual impacts in the 1997 ROD under the section entitled "scenic quality." The "majority of the Tongass (over 75 percent) will remain essentially unaltered from its present condition" (1997 ROD, p. 24). Approximately seven percent "will be maintained in a reasonably natural appearance for the majority of Forest users" (1997 ROD, p. 24). The Regional Forester also stated, "[i]n the remaining 15 percent of the Tongass, management activities may, over time, tend to dominate the landscape. There will be areas within the latter category that are important for their scenic qualities to some Forest users, and in these areas the scenic quality is likely to be significantly reduced" (1997 ROD, p. 24).*

*The Regional Forester further described protection to scenic integrity.*

*"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. 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 FEIS discusses the Lynn Canal with respect to scenic quality and recognizes its special significance for scenery, recreation and tourism. Public comments about Lynn Canal called it "the great tourist and scenic corridor in Southeast Alaska" and "one of the most spectacular water corridors in the world" (FEIS Appendix L, p. L-258). The majority of the Lynn Canal is in LUD's where scenic quality would not change due to management activities. Inventoried Visual Quality Objectives (VQO's) are assigned for each area or landscape of the Forest. The four VQO's used for the Tongass are retention, partial retention, modification, and maximum modification; each, in that order, allows an increasing amount of alteration of the natural landscape character. Most of the Lynn Canal is allocated to Semi-Remote or Remote Recreation where retention is the adopted VQO. The exceptions are areas just south of and across from Berners Bay that are allocated to Scenic Viewshed (adopted VQO's of retention and partial retention) and areas north of Berners Bay allocated to Modified Landscape (adopted VQO's of partial retention and modification (FEIS, p. 3-190). The Modified Landscape allocations are made to facilitate possible mineral development while providing for scenic quality (1997 Forest Plan, pp. 3-135 to 3-143). The Minerals LUD is also applied to the*

*high-potential mineral tracts in these two areas. Inland from these areas on the west side the land is allocated to Semi-remote Recreation, and on the east side to Remote Recreation. Much of Berners Bay is now in the Legislated LUD II; Sullivan Island is in Semi-remote Recreation. The Transportation and Utility Systems LUD is overlain on the above LUD's on both sides of the Canal to recognize the potential for a transportation route identified by the State of Alaska. The State has no proposals for development of such a route at this time (FEIS Appendix L, p. L-258).*

*Direct, indirect and cumulative effects to scenery were thoroughly discussed (FEIS, pp. 3-178 to 3-196). The alternatives vary in how the LUD's that allow timber harvest (Scenic Viewshed, Modified Landscape, Timber Production) are distributed, and in the silvicultural practices specified within these LUD's. It was noted that the "visual effects of timber harvest activities are not limited to the specific location of the activity. As seen from a travel route or use area, such alterations can affect the visual appearance of the entire viewed landscape (or 'viewshed'). For this reason, the acreages of visual effect tend to be greater than the acres of suitable forest land within a given area. Conversely, these effects may be smaller because they will not happen all at once. While some viewsheds are likely to have significant alterations over the next decade, others may not be entered for several decades. In this sense, the Forest-wide VQO's are best thought of as an indicator of long-term, cumulative effects" (FEIS, pp. 3-178 through 3-179).*

*Finally, the 1997 Forest Plan provides programmatic direction in the form of multiple-use goals and objectives, land allocations, and management direction to make site-specific project decisions in an environmentally and economically efficient manner (FEIS Appendix L, pp. L-129 through L-130). The Regional Forester correctly stated that, "[d]ecisions on site-specific projects are not made in this document" and "[d]ecisions on proposed projects will not be made until completion of environmental analysis and documentation for the specific project, in compliance with the National Environmental Policy Act" (1997 ROD, p. 43). Thus approval of the 1997 Forest Plan does not mandate any project decisions. Each project or activity must be consistent with the programmatic environmental protection direction in the 1997 Forest Plan (16 U.S.C. 1604 (i)). Therefore, any project that would occur is required to have environmental analysis, including analysis of direct, indirect and cumulative effects and documentation in compliance with the NEPA.*

### *Decision*

*After reviewing the record, I find that the direct, indirect and cumulative effects of scenic quality adjacent to Lynn Canal were discussed and considered. I affirm the Regional Forester's decision. Nothing in the enclosed 1999 ROD affects the 1997 ROD on this issue.*

### *Recreation/Tourism*

*You contend that "[t]he new Tongass plan fails to fully address impacts from industrial-scale tourism on other forest uses" (NOA, p. 3).*

## Discussion

*In determining the effects of activities at the forest plan level, the Regional Forester assumed that the kinds of resource management activities allowed under the LUD's would occur to the extent necessary to achieve the goals and objectives of each alternative. "However, the actual location, design and extent of such activities was not known for the Forest Plan; that is a project-by-project decision. Thus, in many cases the discussions refer to the potential for effects to occur, realizing that in many cases these are only estimates. The effects analysis is useful in comparing and evaluating alternatives, but should not be applied per se to any specific location within the Forest" (FEIS, p. 3-2).*

*In the 1997 Forest Plan, Appendix L lists potential activities for several resource areas. The direction set forth by the 1997 Forest Plan is implemented through site-specific activities and projects. This appendix displays projects for approximately 10 years of plan implementation. These lists are dynamic and may be updated frequently. Environmental analysis will be conducted on these projects as they become ripe for implementation. Recreation capital investment projects and trails are among the projects listed (1997 Forest Plan Appendix L, p. L-1).*

*The FEIS repeatedly discussed the expected increase in tourism to the Forest. "General recreational use and tourism within the Tongass has more than doubled in the last ten years" (FEIS, p. 3-457). "Demand for scenic quality can best be represented by the increase in tourist-related travel to the Tongass, as well as a heightened awareness and sensitivity of Alaskan residents to scenic resource values . . ." (FEIS, p. 3-177). "If current trends continue, demand for viewing scenic landscapes will increase. Lands adjacent to the Alaska Marine Highway, cruiseship routes, flightseeing routes, high use recreation areas, and other marine and land-based travel routes will be seen by more people, more frequently, and for greater durations" (FEIS, p. 3-177). Past and current studies indicate the main attractions for recreationists and tourists include scenery, wildlife, feelings of remoteness, and a sense of vastness.*

*The FEIS discusses the likely impacts to Forest users due to this expected increase in tourism. The FEIS describes potential effects:*

*"As the Forest changes over time, so may the makeup of Forest visitors and the activities in which they engage. As the complexion of the forest setting and associated recreation places changes, recreationists will have three general options. Many will adapt to the new situations. Setting changes will have little or no impact to these current Forest users. For others, the changing scenario may not be acceptable, and these users will be displaced to other areas where the setting and use patterns are more in line with their expectations and needs. The third group will find they can neither adapt to the new situation nor find suitable substitute areas, and thus may substitute other activities in their leisure time and eliminate recreating on the Forest" (FEIS, p. 3-141).*

*And*

*"Over time in most alternatives, the Forest will continue to shift toward the developed end of the Recreation Opportunity Spectrum, bringing about increased opportunities associated with roads, and decreased opportunities associated with primitive forms of recreation. The degree of change varies by alternative" (FEIS, p. 3-146).*

*The FEIS further states:*

*"It appears the Forest has an ample supply of primitive and roaded opportunities to meet demand in the first decade. However, projected demand indicates the Semi-primitive Motorized opportunity class will be in short supply within the decade" (FEIS, p. 3-146).*

*"Despite the change in settings to more modification, the Forest still maintains over half of the recreation place acres in areas protected through legislation or in natural Land Use Designations in all alternatives. Important recreation places Forest-wide also receive a higher degree of protection than recreation places in general, in all alternatives" (FEIS, p. 3-146).*

*"Tourism in the region has grown tremendously in the past two decades, and growth is expected in the future. The management prescriptions and standards and guidelines should assist in maintaining and facilitating future growth" (FEIS, p. 3-147).*

### *Decision*

*After reviewing the record, I find that the effects of increased tourism on the Forest was adequately discussed and considered. I affirm the Regional Forester's decision. Nothing in the enclosed 1999 ROD affects the 1997 ROD on this issue.*

### *Range of Alternatives*

*"We fully endorse the [Southeast Alaska Conservation Coalition/Alaska Rainforest Campaign] SEACC/ARC Alternative and we object to the fact that the Forest Service failed to fully consider this alternative in the FEIS. The Forest Service has failed to consider alternatives which recognize that the pulp mill era is finished in Southeast Alaska" (NOA, p. 3).*

### *Discussion*

*Alternatives prepared for consideration in a forest plan are to provide for a broad range of reasonable management scenarios for the various uses of the forest (36 CFR 219.12 (f)). A primary goal in formulating alternatives is to provide an adequate basis for identifying the alternative that comes closest to maximizing net public benefits in an environmentally sound manner (*id.*). Thus, the evaluation of the range of alternatives does not turn upon*

*consideration of a single factor, such as ASQ, but rather must consider the alternatives as a whole.*

*In the development of a forest plan for a 10-15 year period, there is an infinite number of alternatives that could be evaluated in detail. Consideration of all these is obviously an impossible task. The process of narrowing the possible alternatives to be considered to a manageable and reasonable range is appropriate under NEPA. The NFMA and implementing regulations at 36 CFR 219.1 (a) state that "plans shall provide for multiple use and sustained yield of goods and services from the National Forest System in a way that maximizes long term net public benefits in an environmentally sound manner." Net public benefits include all outputs and effects, both positive and negative values that cannot be quantitatively valued, and, therefore, require the decisionmaker to subjectively balance such benefits with costs with each other and with those that can be quantified. The NFMA and implementing regulations at 36 CFR*

*219.12 (f) also state that "the primary goal in formulating alternatives, besides complying with NEPA procedures, is to provide an adequate basis for identifying the alternative that comes nearest to maximizing net public benefits, consistent with the resource integration and management requirements of sections 219.13 through 219.27."*

*The Forest considered many alternatives throughout the planning process. Under section III (Alternatives Considered) of the 1997 ROD the Regional Forester stated: "A total of 34 alternatives has been discussed in the environmental impact statements associated with the Forest Plan. Some of these alternatives have been carried from one EIS to another and refined in response to public comments, new information, or changing circumstances" (1997 ROD, p. 11). A summarization of those "Action Alternatives Considered in Detail" (10 in all) can be found in the 1997 ROD (pp. 11-14). "The Final EIS (pp. 2-8 to 2-24) describes the evolution of the ten alternatives considered in detail. The various components of the wide range of alternatives are detailed at pp. 2-11 through 2-62 of the Final EIS" (1997 ROD, p. 11).*

*In response to your contention that the Forest Service never considered the SEACC/ARC alternative, the Regional Forester stated: "The Forest Service received numerous comments requesting that various areas throughout the Tongass be assigned a non-development LUD" (1997 ROD, p. 21).*

*The Regional Forester also stated:*

*"Alternative 1 of the Final EIS considered the impacts of assigning a non-development LUD to all of the areas for which such a suggestion was made. A number of comments suggesting non-development LUD s be allocated to certain VCU s were addressed, including those from the State of Alaska suggesting the Forest Service develop appropriate management prescriptions that protect community use, and fish and wildlife values in VCU s having high levels of community use. Based upon such comments, the Forest Plan assigns non-development LUD s to all or a significant portion of a number of VCU s that were assigned to development LUD s in the RSDEIS Preferred Alternative" (1997 ROD, p. 21).*

*The FEIS on pages 2-12 through 2-18, discusses several alternatives including alternatives proposed from the SEACC and the ARC among others. "None of these alternatives were ultimately considered for detailed study in the FEIS. It was generally the case that after applying just the major features of each, little or no suitable timber land remained available, making the alternatives comparable to Alternative 1" (FEIS, p. 2-12). "These proposals did not appear to offer wildlife or related benefits different enough from Alternatives 5 or 11, or enough potential for a sustained timber program above Alternative 1, to make this trade-off desirable to analyze in detail" (FEIS, pp. 2-12 to 2-13). However, these alternatives were considered in general terms. For the SEACC Alternative (combined with ARC and Wilderness Society), it was concluded that, "[t]ogether the above components of this alternative would make an estimated 0.785 million acres of suitable timber lands unsuitable, leaving approximately 415,000 acres of suitable land available. This acreage would be subject to additional constraints, or managed differently, under the three proposals . . ." (FEIS, p. 2-16).*

*The determination was made from the analysis that SEACC's proposal offers "[t]he highest likelihood that a small-scale timber program could be maintained at a sustainable level, although considerably below any alternative considered in detail except Alternative 1. Opportunities for economic timber harvest under the other two proposals, and for much of SEACC's available acreage, remain problematical, noting again that the 70,000 acres of suitable land remaining in Alternative 1, with less restrictive harvest requirements, were not scheduled for harvest for economic reasons" (FEIS, p. 2-17).*

*As demonstrated by the preceding discussion, SEACC's proposed alternative was considered and evaluated against the range of alternatives already under consideration for the 1997 Forest Plan.*

*Decision*

*After my review of the record, I find that the Regional Forester looked at a broad range of alternatives, and took into account public comments and concerns required by NEPA. He also looked at numerous factors that he felt should receive additional consideration in making his selection of Alternative 11. The SEACC and FSEEE alternatives were appropriately considered, in accordance with NEPA. Alternative development and analysis were consistent with law, regulation and policy.*

*However, to further strengthen Alternative 11, I have added provisions to enhance subsistence by increasing deer winter range/deer habitat capability. I also have increased protection for old growth and old growth dependent species. In addition, I have provided new protection for Areas of Special Interest (see Rationale for Decisions in the enclosed 1999 ROD).*

*Sincerely,*

*/s/ James R. Lyons*

*JAMES R. LYONS  
Under Secretary  
Natural Resources and*

*Environment*

*Enclosures:*

*List of Parties  
1999 ROD*