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Date: April 13, 1999

*Mr. Richard T. Myren
Juneau Group of the Sierra Club
3320 Fritz Cove Road
Juneau, Alaska 99801*

RE: Appeal of the Record of Decision for the Tongass National Forest Land and Resource Management Plan (#97-13-00-0102-A217)

Dear Mr. Myren:

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 September 30, 1997. Your appeal on behalf of the Juneau Group of the Sierra Club was timely as it was postmarked September 25, 1997. The Regional Forester transmitted the relevant decision documentation and pertinent appeal records (AR) to this office on November 19, 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.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 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

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).*

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 logging effects on, and science of, fish conservation; and, public involvement. As relief you request a stop or halt on project implementation, and you request that additional analysis and a 1997 Forest Plan amendment be completed.

Inadequate Cumulative Effects Analysis for Watersheds and Fisheries

The appellant contends that the 1997 1997 Forest Plan contains "an inadequate existing cumulative watershed effect (CEW) analysis" (effects of clearcutting on water quality) and the appellants feel that there is "an absence of an adequate CEW model and concept, including its standards and guidelines (S&G's)" (NOA, pp. 1-2).

The appellant contends that "the 'quantitative and qualitative standards and guidelines for land and resource planning and management' id. at Sect. 219.1(b)(12) required to identify such streamflows under Id. at Section 219.23(c) for 'Estimation of the probable occurrence of various levels of water volumes,' have therefore been clearly disregarded in the S&Gs, the AFHA and in the cumulative watershed effects analysis" (NOA, p. 9).

The appellant contends that "the Cumulative Effects Watershed Analysis (CEW) as proposed in Anadromous Fish Habitat Assessment (AFHA) does not meet the requirement of water and fish habitat for "Establishment of quantitative and qualitative standards and guidelines for land and resource planning and management" (NOA, p. 12).

Discussion

Although the appellant contests the scientific validity of models used for analysis, the following court rulings on the adequacy of inventory methods used for Forest planning are relevant:

In Sierra Club v. Robertson, 810 F. Supp. 1021, 1028 (W.D. Ark. 1992), affirmed 28 F.3d 753 (Cir 1994), the court reviewed the NFMA requirements regarding forest plan inventories and upheld the inventory information in the Ouachita National Forest Plan. The court concluded that ". . . plaintiffs appear to disagree with how the agency carried out its inventory, but mere disagreement is not enough to state a claim . . . Plaintiffs' inventorying claims must fail because the Forest Service has considerable discretion in inventorying and plaintiffs have failed to persuade the court that the inventory has shortcomings that violate the arbitrary and capricious standard."

In addition, in the case of Krichbaum v. Kelley, 844 F. Supp. 1107, 1114 (W.D. Va. 1994) affirmed, 61 F.3d 900 (4th Cir. 1995) (table citation), the court considered arguments concerning the adequacy of forest plan inventory information. Although this case involved an inventory in a timber sale project and not a forest plan approval decision, the rationale of the court's opinion is applicable here. The court "declined to find the agency in violation of NFMA simply because it had not prepared inventories as the plaintiff would define them . . ." In addition, the court noted that although additional inventory information might be desirable, a less costly evaluation was not necessarily "infirm in the light of [NEPA] or the NEPA regulations."

Pursuant to NFMA, 16 U.S.C. 1604 (f) (3), 1604 (g) (2) (B), the following rule was promulgated to provide direction concerning forest planning:

"Each Forest Supervisor shall obtain and keep current inventory data appropriate for planning and managing the resources under his or her administrative jurisdiction. The Supervisor will assure that the interdisciplinary team has access to the best available data. This may require that special inventories or studies be prepared. The interdisciplinary team shall collect, assemble, and use data, maps, graphic material, and explanatory aids, of a kind, character, and quality, and to the detail appropriate for the management decisions to be made. Data and information needs may vary as planning problems develop from identification of public issues, management concerns, and resource use and development opportunities. Data shall be stored for ready retrieval and comparison and periodically shall be evaluated for accuracy and effectiveness. The interdisciplinary team will use common data definitions and standards established by the Chief of the Forest Service to assure uniformity of

information between all planning levels. As information is recorded, it shall be applied in any subsequent planning process" (36 CFR 219.12(d)).

The planning regulation goes on to state:

"Conservation of soil and water resources . . . shall be guided by instructions in official technical handbooks. These handbooks must show specific ways to avoid or mitigate damage, and maintain or enhance productivity on specific sites. These handbooks may be regional in scope or, where feasible, specific to physiographic or climatic provinces" (36 CFR 219.27 (f)).

This planning regulation establishes a basis for inventory data collection. It is unrealistic to assume that implementing regulations could provide, in exacting detail, procedures necessary to conduct and analyze resource inventories such as watershed and soil evaluations. Instead, direction for inventories is found in Forest Service manuals and handbooks.

As stated before, although the aforementioned citations address the adequacy of inventory methods, the rationale behind them applies to adequacy of analysis methods. In the case of soil and water resources, NFMA and the planning regulations at 36 CFR 219.23 (c) provide for the following:

"Forest planning shall provide for . . . estimation of the probable occurrence of various levels of water volumes, including extreme events which would have a major impact on the planning area."

The Forest Service is committed to protection of soil and water resources. Forest-wide S&G's are developed to mitigate adverse environmental impacts from project activities and "these S&G's for the protection or management of the different forest resources apply to all or most areas of the forest, and are used in conjunction with additional S&G's included within each management prescription" (1997 Forest Plan, p. 4-1). In addition, project decisions may include site-specific mitigation measures to provide environmental protection. As the Regional Forester explained, "site specific decisions will be made on projects in compliance with NEPA, ESA, and other environmental laws following applicable public involvement and appeal procedures" (1997 ROD, p. 31). He also stated that "[m]onitoring will also ensure that both forest-wide and land use designation standards and guidelines are being correctly applied" (1997 ROD, p. 29).

This plan-and-project method of compliance with federal laws concerning protection of water quality adopted by the Forest Plan has been upheld in federal district court.

In several more recent cases, the courts have dealt with issues similar to those raised by appellant in this administrative appeal of the 1997 Forest Plan. First, in Resources Ltd. v. Robertson, 789 F. Supp. at 1536, the court found that the Flathead National Forest Plan gave adequate consideration to water and fisheries resources and provided substantial protection of these resources. The court noted that the Forest Plan directed that projects on the Flathead National Forest must meet or exceed state water quality standards, and that Best Management

Practices (BMP's) would be utilized. The Flathead National Forest Plan was found to have provided adequate programmatic protection for the soil, water, and fisheries resources.

Next, in Sierra Club v. Robertson, 810 F. Supp. at 1030 (W.D. Ark. 1992), affirmed 28 F.3d 753 (8th Cir. 1994), the court found that the Ouachita National Forest Plan addressed "water issues in sufficient depth to provide sufficient information to permit a reasoned choice" among forest plan alternatives. In-depth study of water quality issues may be "deferred until a specific action is proposed and a site-specific environmental assessment is prepared" (see also Sierra Club v. Robertson, 784 F. Supp. 593, 602-603 (W.D. Ark. 1991), affirmed, 28 F.3d 753 (8th Cir. 1994); and Krichbaum v. Kelley, 844 F.Supp. at 1117-1118)). The plaintiff's challenge to the monitoring of water quality issues was also rejected by the court.

Equally important, at the project level, the Ninth Circuit Court of Appeals held in Oregon Natural Resources v. Lyng, 882 F.2d 1417, 1424 (1989) that "proper implementation of BMP's will constitute compliance with the Clean Water Act unless water quality monitoring reveals that the BMP's have permitted violations of state water quality standards."

The Tongass 1997 Forest Plan is similar to the forest plans reviewed by the courts in these cases. Thus, these district court decisions have weighed heavily in our consideration of the contentions raised by the appellant. Nearly all of the appellant's issues have been specifically resolved by these court decisions upholding forest plans. As shown in the discussion that follows, we consider the courts' interpretations of NEPA, NFMA, and regulatory requirements to be binding upon what is required for soil, water, and fisheries protection in other plans, including the Tongass 1997 Forest Plan.

My review of the appellant's concerns considers the ongoing obligations of the NFMA, the Clean Water Act, and the role of the Forest Plan in the development of projects consistent with forest plan S&G's. The appellant will have the opportunity to participate in the public involvement and environmental analysis that is part of the development of projects, as well as an opportunity to administratively appeal project decisions.

The Forest recognized that Cumulative Effects analysis for watersheds are difficult to prepare unless site-specific information is known about the watershed. This is summarized in the following statement:

"The potential effects of changes in stream flows within watersheds Forest-wide are expected to vary depending on the relative allocation of land use designations and the applicable Forest-wide standards and guidelines for each alternative. The effects from changes in stream flows in a particular watershed can only be estimated during project planning, where the rate of entry into watersheds and locations of proposed roads and harvest units will be analyzed. The actual effects on stream flows can only be determined by site-specific monitoring" (FEIS, p. 3-323).

The Alaska Regional Soil and Water Conservation Handbook FSH 2509.22 (Record RS-G-8, TLMP 592) also concludes that site-specific cumulative effects analysis should be done at the project level. It states, "Cumulative Watershed Effects screening and/or analysis is required

of projects involving significant vegetation removal, or soil disturbing activities to ensure that the project, considered with other activities, will not increase sediment or water yields beyond acceptable limits" (Forest Service Handbook 2509.22, 12-12.17, p. 2).

To assess cumulative effects on fisheries and fish habitat, the Tongass used "panel assessments." These panel assessments provided "independent analyses related to the effects of the alternatives on particular resources or environmental components" and "information on the relative risk that implementation of each alternative would pose to the continued persistence across the landscape of the species or resource in question" (FEIS, p. 3-3). The panelists looked at 10 year and 100 year outcomes predicted for each alternative.

In addition, fish habitat and maintenance of fish populations is a key goal in management of the Tongass National Forest, as demonstrated by the Regional Forester in his 1997 ROD:

"In all LUD s where land-disturbing activities are allowed, the riparian and fish forest-wide standards and guidelines will apply across the landscape. These standards and guidelines substantially expand current protection for fish habitat" (1997 ROD, p. 4), and

"The maintenance of habitats needed to ensure the long-term viability of all Tongass wildlife and fish species and to sustain commercial, sport and subsistence use, is a key factor in my decision" (1997 ROD, p. 15).

The FEIS contains extensive discussions about the effects of roads and timber harvest, on fish habitat and fish species (pp. 3-56 to 3-73), and water resources (pp. 3-323 to 3-324). Mitigation measures, including S&G's are discussed and prescribed (FEIS, pp. 2-22 to 2-24; 1997 Forest Plan, pp. 4-8 to 4-12, 4-53 to 4-73, 4-83 to 4-85) to reduce impacts to watershed and fishery resources. The BMP's, designed to reduce negative effects to water quality, are listed in Appendix C of the 1997 Forest Plan, as well as resource schedules showing fish habitat enhancement and watershed restoration projects (1997 Forest Plan, pp. L-2, L-9). The state of Alaska and the Forest Service have agreed that the BMP's meet Clean Water Act standards and "are the primary means to protect water quality from nonpoint sources of pollution" (FEIS, p. 3-314).

Table 3-103 in the FEIS (p. 3-324) compares acres of wetlands effected by roads by alternative. The FEIS states that in each alternative, "mitigation for activities that affect wetlands include compliance with the Executive Order for the Protection of Wetlands and Section 404 of the Clean Water Act, and implementation of Best Management Practices contained in the Soil and Water Conservation Handbook (FSH 2509.22)" (FEIS, p. 3-324).

Decision

After reviewing the record, I find that effects to watershed and fisheries were adequately addressed. However, based upon my review of the record, I have determined there was a need to modify the provisions of the 1997 Forest Plan to better address S&G's. The additional 200 year rotation standard in the enclosed 1999 ROD will provide additional protection for fisheries and riparian resources (1999 ROD, Fish Habitat section) through reduced level of

activities in upland sites. In addition, changes in development LUD's to mostly natural LUD's will enhance protection for watersheds and fisheries (See Fish Habitat Section in enclosed 1999 ROD).

Inadequate Public Involvement

The appellant contends: "The following are the ten points [management principles] we commented on in the Draft EIS. Only one of our ten points were acted upon by the USFS and NONE were acknowledged" (NOA, p. 4).

Discussion

The Forest planning regulation at 36 CFR 219.6 details the intent of public participation in the Forest planning process, as well as appropriate procedures the Forest Service should follow in conducting public participation activities. The regulation states:

"Public comments shall be considered individually and by type of group and organization to determine common areas of concern . . ." and the results "should be evaluated to determine the variety and intensity of viewpoints about ongoing and proposed planning and management standards and guidelines" (36 CFR 219.6 (e)).

The following statement summarizes the public involvement activities conducted during the Forest Plan Revision process: "All public comment periods were announced in the Federal Register, by news release, in local newspapers, and through newsletters. Documents were mailed to persons initially requesting them, and were also available at Forest Service offices and libraries throughout Southeast Alaska. Informational meetings and open houses on the Forest Plan revision were held in most Southeast Alaska communities during each comment period, followed by hearings in the same communities. 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. Newsletters and planning record documents contain breakdowns of the types of input received and where it came from" (FEIS Appendix L, p. L-2).

The Forest addressed public comments and summarized them in Appendix L of the FEIS. In addition, many of the public comments were already addressed in the planning documents (Record documents in RS-L-5 through RS-L-8) and therefore, were not repeated in Appendix L.

The record contains discussion on all of the following 10 points the appellant listed in their appeal: National Sierra Club Policy [no cutting of old growth on public lands], KPC long term contract (appellant agrees USFS acted upon this, no further discussion of this will follow), Wilderness study areas, community transition, fisheries, regional economies, scenery, wild and scenic rivers, wildlife issues, and habitat reserves.

Old growth - This topic is discussed extensively in numerous parts of different documents: Response to comments (FEIS Appendix L); Additional Evaluation of Wildlife Habitat

Conservation Measures (Appendix N) with emphasis on old growth habitat conservation strategies and old growth associated species; Biodiversity section (FEIS, pp. 3-11 to 3-39) - the old growth ecosystem is the primary focus of analysis of biological diversity; Old Growth Habitat Reserve Criteria (1997 Forest Plan Appendix K); and Old Growth Habitat (1997 Forest Plan, pp. 3-75 to 3-81).

The Regional Forester also specifically addressed old growth in the 1997 ROD. He stated: "The Forest will be characterized by extensive, unmodified natural environments. Old-growth will be the predominant vegetative structure on the Tongass, and the abundance and distribution of habitats, especially old-growth forests, will be maintained to sustain viable populations and provide for continued commercial, sport and subsistence use of fish and wildlife species"

(1997 ROD, p. 2). There are also several other less extensive discussions throughout other parts of the documents: Goals & Objectives (1997 Forest Plan, p. 2-1); Alternatives (FEIS, p. 2-1); Issue identification (FEIS, p. A-7); Monitoring & Evaluation (1997 Forest Plan, p. 6-5); S&G's (1997 Forest Plan, p. 4-4); Old Growth LUD's (1997 Forest Plan, pp. 3-7 to 3-81) which addressed the topic of old growth.

Wilderness study areas/Wild & Scenic Rivers - It is not clear what the appellant meant by "wilderness study areas", so we interpret this to refer to the requirements to "evaluate and consider" roadless areas for wilderness potential (36 CFR 219.17 (a)). Roadless areas and effects to roadless areas are discussed in the FEIS (pp. 3-161 to 3-174). The FEIS also discusses "how specific roadless areas are affected by their designation as either Wilderness or legislated LUD II as a result of the Tongass Timber Reform Act" (FEIS, p. 3-161). It also states that these LUD II areas are "still available for future consideration as Wilderness." In addition, "110 roadless areas that meet the criteria for consideration for Wilderness remain on the Tongass. Each of these 110 roadless areas is disclosed in Appendix C of the FEIS" (FEIS, p. L-85).

Wild and Scenic river eligibility and designations are discussed in numerous places in the documents (1997 ROD Appendix A; FEIS, pp. 3-325 to 3-344; FEIS Appendix L, pp. L-165 to L-172, FEIS Chapters 1-3 and Appendices B, E and K; 1997 Forest Plan Chapters 2 & 6; 1997 ROD Appendix A).

Community Transition & Regional Economies - Portions of several documents discuss community stability and assistance (FEIS Appendices A and H and L; 1997 Forest Plan, Chapters 2 and 4 and 6; 1997 Forest Plan Appendices B and M and H). In-depth discussions about communities and Regional economies are contained in Chapter 3 of the FEIS, and Forestwide Standards & Guidelines are listed for Rural Community Assistance (1997 Forest Plan, p. 4-73).

Fisheries - The 1997 Forest Plan Appendix H has been written to comply with ANILCA. "Each subsequent revision of National Forest management plans under the Forest and Rangeland Renewable Resources Planning Act shall contain a report on the status of the planning process undertaken under this paragraph, including, but not limited to, a description of current hatchery and aquaculture projects, an analysis of the success of these projects, and a prioritized list of projects anticipated for the duration of the management plan" (ANILCA Section 507b). The 1997 Forest Plan and FEIS also contain numerous sections specific to

fisheries, fish habitat, or related sections (e.g. riparian and watershed resources) (FEIS, Chapters 1,2 and 3; FEIS Appendices A, B, E, I, J, L, and N; 1997 Forest Plan, Chapters 2, 3, 4, 5, and 6; 1997 Forest Plan Appendices B, C, D, and L. The 1997 ROD sums up the importance of maintaining or improving fish populations and fish habitat, "the decision was made to incorporate all the recommendations made in the Anadromous Fish Habitat Assessment (AFHA) report for additional protection, because AFHA is the most comprehensive and credible scientific review of the measures needed to protect fish habitat on the Tongass" (1997 ROD, p. 18).

Scenery - The 1997 ROD sums up the desired future conditions for scenery management on the Tongass, "The outstanding scenery of the Forest will be a major attraction for visitors. The Forest will be managed to provide a full range of recreation opportunities. Forest visitors will enjoy visually appealing scenery, with emphasis on areas seen along the Alaska Marine Highway, State highways, major Forest roads, and popular recreation places." One of the 10 major issues used to develop the alternatives was "what areas on the Tongass National Forest should be managed to emphasize scenic resources?" and "of particular concern now, as then [1979], are the amount and location of land allocated to scenic and recreation values . . ." (FEIS, p. A-3). Scenery and visual resources and management are discussed in several other portions of the documents (FEIS, Chapters 1, 2, and 6, and Appendices A, B, C, D, E, F, K and L; 1997 Forest Plan, Chapters 2 and 4, Appendices B, F, and L; 1997 ROD Appendix A).

Wildlife Issues & Habitat Reserves - "A primary goal of the Forest Plan is to provide for the sustainability of the resources of the Tongass National Forest, while directing the coordination of multiple uses, such as outdoor recreation, timber, wildlife, fish, watershed, and wilderness" (1997 ROD, p. 1). Wildlife and habitat reserves discussions are found throughout the documents, including in the FEIS (Chapters 1-3; Appendices A-L and N), the 1997 Forest Plan (Chapters 1-4 and 6; Appendices A-C, F-I, K, and L) and in the 1997 ROD (Appendix A).

Decision

After reviewing the record, I find that the Forest conducted adequate public involvement in accordance with NEPA and NFMA implementing regulations (36 CFR 219). In addition, all your concern issues were addressed in the cited documents. However, based upon my review of the record, I have determined there was a need to modify the provisions of the 1997 Forest Plan. I have changed various development LUD's to mostly natural LUD's that will strengthen protection for old growth. Eight of the special areas are adjacent to wilderness areas. By maintaining and increasing the old growth block habitat, protection of fish and wildlife resources will be enhanced. Most of the areas of special interest substantially enhance the scenic viewshed. The additional 200 year rotation standard I have added in the enclosed 1999 ROD (Fish Habitat Section) will provide additional protection for fisheries and riparian resources through reduced level of activities in upland sites. Also, I hve determined two other streams to be suitable and am changing the LUD for Kushneahin Creek and Castle River corridors in order to protect their outstandingly remarkable values (see 1999 ROD, Appendix A).

Sincerely,

/s/ James R. Lyons

*JAMES R. LYONS
Under Secretary
Natural Resources and*

Environment

*Enclosures
List of Parties
1999 ROD*