



File Code: 1570
Date: April 26, 2004

Nicole Whittington-Evans
c/o Alaska Center for the Environment
807 G Street, Suite 100
Anchorage, AK 99501

Dear Ms. Whittington-Evans:

This is my decision on the appeal you filed under 36 CFR 215 (Appeal No. 04-00-00-0009). Pursuant to 36 CFR 215.18, I have reviewed the administrative appeal record for the Decision Notice and Finding of No Significant Impact (DN/FONSI) on the Seward-to-Girdwood Iditarod National Historic Trail project. The Chugach Forest Supervisor signed the DN/FONSI. I have also considered the Appeal Reviewing Officer's (ARO) recommendation (enclosed) regarding the disposition of your appeal. The ARO recommended that the decision be affirmed and your requested relief be denied.

DECISION

I concur with the ARO's recommendation and I affirm the Forest Supervisor's decision. Your requested relief is denied.

There is no documentation in the project record indicating that the Sierra Club submitted comments during the 30-day comment period, as required by Forest Service appeal regulations at 36 CFR 215.13(a). Therefore, I am dismissing the Sierra Club as appellants pursuant to 36 CFR 215.16(a)(6). The record does indicate that the other organizations listed in the appeal did submit comments during the 30-day comment period.

My decision incorporates, by reference, the entire administrative record, which includes the appeal and project planning records, and constitutes the final administrative determination of the Department of Agriculture (36 CFR 215.18(c)). The project may be implemented 15 days following the date of this decision (36 CFR 215.9(b)).

Sincerely,

/s/ Dennis E. Bschor
DENNIS E. BSCHOR
Appeal Deciding Officer

Enclosure

cc:
Alaska Quiet Rights Coalition
Sierra Club
The Wilderness Society
Chugach Forest Supervisor
Girdwood District Ranger
Seward District Ranger
Chugach Planning Staff Officer
Winnie Blesh, Regional Office, Ecosystem Planning Staff





File Code: 1570

Date: April 21, 2004

Subject: Appeal Recommendation for the Seward to Girdwood Iditarod National Historic Trail Environmental Assessment

To: Appeal Deciding Officer

This is my recommendation, as Appeal Reviewing Officer; on the action you should take, as Appeal Deciding Officer, on the pending appeal of the Seward-to-Girdwood Iditarod National Historic Trail Environmental Assessment. The Alaska Center for the Environment (ACE, on behalf of ACE, the Alaska Quiet Rights Coalition, Sierra Club, and the Wilderness Society) filed the appeal under 36 CFR 215 (Appeal No. 04-10-00-0009).

The decision being appealed is the decision by the Chugach Forest Supervisor to authorize additional non-motorized and motorized recreation opportunities from Seward to Girdwood as part of the Iditarod National Historic Trail (INHT). The Selected Alternative, Alternative 4 with modifications, authorizes approximately 186 miles of trail to be managed as part of the INHT. The decision includes the construction of approximately 77 miles of new trail, the reconstruction of approximately 82 miles of trail, the construction of 32 major trail bridges, and the construction of at least 50 minor bridges and boardwalks. The decision authorizes motorized use on approximately 105 miles of winter trail, and non-motorized use on about 81 miles of winter trail. The decision also authorizes motorized use on approximately 6 miles of summer trail, with 131 miles of summer trail closed to motorized use.

Background

The National Trails Act, as amended in 1978, designated the INHT from Seward to Nome, Alaska across Federal, State, municipal, and private lands. The Bureau of Land Management (BLM) is the Trail Administrator for the INHT, and in 1986 the BLM developed a Comprehensive Plan for the trail. This Plan provides guidelines for the protection and development of the primary trail route, along with connecting trails and associated heritage resources. The Plan also identifies individual agency responsibilities for completing the subsequent planning and analysis necessary to determine the specific location and development of the INHT primary route and connecting trails, and the associated heritage resources and sites and appropriate uses of the trail on lands managed by each agency. The Plan recognizes that the development and management of the INHT is the responsibility of the appropriate agency across the land it manages. The Forest Service is responsible for those portions of the INHT that pass through the Chugach National Forest. Since 1986, several trail segments have been planned, constructed, or reconstructed along the Seward to Girdwood route by various Federal, State, or other entities, primarily near or through the communities of Seward and Girdwood.

The Forest Service proposal to develop the INHT from Seward to Girdwood was first published in the Chugach National Forest Schedule of Proposed Actions on April 1, 2001. As part of scoping for the project, the proposal was provided to the public and other agencies for comments from November 26, 2002 to December 27, 2002. The Forest Service gave numerous presentations on the INHT proposal, and in July 2003 an Environmental Assessment (EA) was mailed to interested parties and organizations and a legal notice for the 30-day public comment period was published in the Anchorage Daily News. The EA was also available to the public at the Seward and Girdwood Ranger District Offices and at the Forest Supervisor's Office in Anchorage.

Due to potential conflicts with the requirements of Section 1110(a) of the Alaska National Interest Lands Conservation Act (ANILCA), hearings were held in Girdwood and Moose Pass in December 2003 to receive public testimony related to snow machine use for traditional activities, potential access restrictions, the potential effects of possible prohibitions of snowmachine use, and whether the use of snowmachines for traditional activities was detrimental to resource values.

The Chugach Forest Supervisor signed the Decision Notice and Finding of No Significant Impact for the INHT project on January 23, 2004. The Alaska Center for the Environment (ACE, on behalf of ACE, the Alaska Quiet Rights Coalition, Sierra Club, and the Wilderness Society) appealed the decision. There is no record of the Sierra Club having submitted comments during the 30-day comment period, as required by Forest Service appeal regulations at 36 CFR 215.13(a). Therefore, I recommend that you inform the Sierra Club that they have been dismissed as appellants pursuant to 36 CFR 215.16(a)(6). The record indicates that the other organizations listed in the appeal did submit comments during the 30-day comment period.

My review of this appeal was conducted pursuant to 36 CFR 215.19. The appeal and project records have been carefully reviewed in my consideration of the objections raised by the appellants and their requested relief. The Girdwood Ranger District prepared the enclosed indices of the documentation supporting the decision, which are keyed to specific issues raised by the appellants. My recommendation hereby incorporates the entire administrative record for the project.

The appellants list many interrelated issues in their appeal of the Seward to Girdwood INHT project. Although I may not have listed each specific issue, I have considered all of the issues raised in the appeal and believe that they are adequately addressed in the following discussions.

Issue 1. Whether the Forest Service definition of traditional activities is consistent with direction in Section 1110(a) of ANILCA.

Appellants assert that the Forest Service definition of "traditional activities," which includes recreational snowmachine use, is inconsistent with Section 1110(a) of ANILCA and Senate Report 96-413. Appellants further assert that the definition creates a presumption that recreational snow machine use must be allowed in conservation system units (CSUs), and that the analysis is therefore biased towards a motorized recreation decision.

Discussion

Section 1110(a) of ANILCA, 16 U.S.C. 3170(a), provides, in part, as follows:

Notwithstanding any other provision of the Act or other law, the Secretary shall permit, on [CSUs], national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area.

Congress did not define “traditional activities.” However, as appellants suggest, some guidance appears in Senate Report No. 96-413. Not only does the Report indicate that special access is subject to reasonable regulation within CSUs for “traditional or customary activities such as subsistence and sport hunting, fishing, berry picking, and travel between villages,” it also indicates that traditional uses should be allowed to continue in areas where “uses were generally occurring in the area prior to its designation” [Senate Report, p. 248]. The Report indicates that transportation modes covered by Section 1110 include snowmachines, and that Congress believed that “the adverse environmental impacts associated with these transportation modes are not as significant as for roads, pipelines, railroads, etc., both because no permanent facilities are required and because the transportation vehicles cannot carry into the country large numbers of individuals” [Id.]. The section-by-section analysis of the Report also indicates that Congress specifically provided “rights for the general use of snowmobiles” among other modes of transportation when it enacted Section 1110. Congress provided that these rights are subject to reasonable regulation to protect the values of the CSUs, but it removed the discretion for allowing or not allowing the use of these vehicles [Report, p. 299].

The Region 10 Supplement to the Forest Service Manual (FSM) on Recreation, Wilderness, and Related Resource Management provides further direction relating to traditional activities and conditions under which motorized use may be approved in wilderness on National Forest System lands, and states, in part:

Section 1110 of ANILCA provides that the Forest Service shall permit the use of snowmachines (during periods of adequate snow cover), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities and for travel to and from villages and homesites. Traditional activities include, but are not limited to, recreation activities such as fishing, hunting, boating, sightseeing, and hiking. Such uses are subject to reasonable regulation to protect natural and other values of wilderness from damage. Traditional activities, which are legal, shall be allowed to continue in wildernesses where such use has occurred, and no proof of pre-existing use will be required in order to use a snow machine, motorboat, or airplane.

[Region 10 Supplement 2320-99-3, FSM 2326.1(6)]. The Chugach Forest Plan Final Environmental Impact Statement (FEIS) provides the same definition of traditional activities as used in the R-10 Supplement [Chugach FEIS, decision document #M-12, Glossary, p. 51]. This direction has been in place in the Alaska Region since at least February 14, 1992.

Plaintiffs assert that ANILCA only allows snow machine use for access in CSUs for purposes related to a utilitarian Alaska lifestyle, and that Congress did not intend to include recreational use as a traditional activity. Based on the statutory language, legislative history, and Forest Service direction, I believe there is a sufficient basis to conclude that recreational use of snowmachines can be considered a traditional activity within the meaning of Section 1110 of ANILCA. In accordance with Section 1110 of ANILCA and FSM 2326.1, the Chugach Forest Supervisor determined that the INHT project is consistent with direction provided in ANILCA. In my opinion, the Forest Supervisor followed applicable law and agency direction in making his decision on the INHT project, and his decision is consistent with ANILCA, FSM 2326.1, and Forest Plan direction.

Issue 2. Whether the Forest Service should have prepared an environmental impact statement (EIS) for the INHT project.

Appellants assert that the project will have significant effects on the quality of the human environment and that the Forest Service should have prepared an EIS for the project. Appellants further assert that the Forest Service has not adequately analyzed the potential effects of the project on public health and safety, and that it has not adequately quantified the potential increases in snow machine use and the associated cumulative effects. Appellants also assert that the Forest Service has not demonstrated compliance with Executive Order (EO) 11644.

Discussion

The purpose of an environment assessment (EA) is to “[b]riefly provide sufficient evidence and analysis for determining whether to prepare an [EIS] or a finding of no significant impact [FONSI]” [40 CFR 1508.9(a)(1); Forest Service Handbook (FSH) 1909.15, 41.1]. If, after reviewing an EA, the Responsible Official determines that the proposed action will not have a significant effect on the human environment, a FONSI is prepared and a decision notice (DN) is issued. If the analysis in the EA is sufficient to conclude that the project will not have a significant effect on the quality of the human environment, a FONSI is appropriate and an EIS is not necessary.

With regard to the INHT project, appellants assert that the INHT is likely to be a huge attraction for snow machine users, and that the Forest Service has not adequately quantified the possible magnitude of the increased snow machine use or the potential effects associated with such use. As indicated in the DN/FONSI, the Selected Alternative authorizes 186 miles of trail to be managed as part of the INHT. Winter motorized use is authorized on approximately 105 miles of this trail; 81 miles of trail will be closed to winter motorized use. There are approximately 137 miles of summer trail to be managed as part of the INHT; all but 6 miles of this trail will be closed to summer motorized use.

Both the EA and the Forest Service Response to Comments on the EA acknowledge that development of the INHT is expected to increase motorized use of the INHT and all area trails, potentially increasing user conflicts [see, for example, EA, pp. 23-24; DN/FONSI, Appendix A, p. A-6]. However, the EA and Response to Comments also point out that extensive open space is available for both user groups (motorized and non-motorized) under the Forest Plan, and that of the 105 miles of the INHT that will be open to winter motorized use, approximately 61 miles are existing trails where winter motorized use is already allowed. Increased motorized use on these trails is expected regardless of the alternative selected [see, for example, DN/FONSI, Appendix A, p. A-6]. The EA indicates that of the 105 miles of winter trail open to motorized use, 42 miles will be designed and actively managed for snowmachines only. Of the 103 miles of winter trail actively managed for skiers, 49 miles will be closed to motorized use [EA, p. 24]. This is expected to minimize user conflicts on these portions of the INHT as user groups would be separated. There are approximately 54 miles of trail that will be designed and actively managed for both skiers and snowmachines; this is where most user conflicts are expected to occur. The EA identifies actions to help minimize some of these potential conflicts [EA, p. 25]. Additional information on the potential effects of the INHT project and the actions taken to minimize these effects are discussed in the Recreation Effects Report prepared for the project [decision document #K-27 submitted in response to this appeal].

Appellants assert that safety is a concern because snowmachines will drive at high speeds, and that the Forest Service should enforce speed limits. Appellants also assert that shared use trails with a minimum tread width of only three feet will create additional safety concerns. The EA indicates that safety was included as part of the user conflict issue that was considered in the analysis and was addressed through the development of the proposed action and alternatives [EA, pp. 3-4]. With regard to snowmachines traveling at high rates of speed and whether the Forest Service should impose speed limits, I agree with the Forest Supervisor's conclusion that speed limits would be difficult, if not impossible, to enforce. However, this does not mean that the potential conflicts or safety issues were not considered. The potential conflicts between motorized and non-motorized users are discussed throughout the EA, and there is additional discussion and analysis in the Response to Comments, Recreation Effects Report [decision document #K-27], and additional documentation in the project record. As indicated in the Response to Comments, many of the high use areas have alternative places such as frozen lakes and creeks that snow machine users prefer to use when conditions permit. Some of the shared trails, such as Johnson Pass and Lost Lake/Primrose, are existing trails where shared use is already allowed. As discussed in the DN/FONSI, motorized and non-motorized use was separated to the extent possible to protect the values of non-motorized recreation and respond to safety concerns [DN/FONSI, p. 7].

Shared trails will be at least 3 feet wide. While appellants assert that this is not an adequate width to respond to safety concerns, it is important to note that this is the minimum tread width of the trail. As discussed in the Response to Comments, all shared trails will have a 10-foot wide cleared width to allow an open canopy for snow accumulation and to provide adequate space for passing. Naturally occurring openings will provide additional user flexibility and separation [DN/FONSI, Appendix A, p. A-7].

User conflicts are identified and specified by trail segment for the INHT project in the Recreation Effects Report [decision document #K-27, pp. 21–24]. The EA lists mitigation measures applicable to all alternatives, including measures to reduce user conflicts and encourage trail etiquette. As indicated in the EA, the Forest Service will “patrol regularly, based on season of use and/or recurring conflicts, to provide education and enforcement” [EA, p. 17]. Based on the analysis in the EA, the Forest Supervisor concluded that the Selected Alternative separates motorized and non-motorized use to the extent possible and that it includes reasonable mitigation measures to further reduce user conflicts and safety concerns.

With regard to appellants’ other public health and safety concerns, they assert that the Forest Supervisor’s decision allows snow machine use that is too close to the highway and that headlights close to the road are a distraction for those driving highway vehicles on the road. The State of Alaska Memorandum of Understanding (MOU) describes the conditions that a snow machine or off-highway vehicle may be driven on a roadway or shoulder of a highway. This MOU indicates that snowmachines may only be driven on the right-of-way of a highway that is not a controlled-access highway, that they must be outside the roadway or shoulder, and that they be no closer than three feet from the nearest edge of the roadway. Night driving may be only on the right-hand side of the highway and in the same direction as the highway motor vehicle traffic in the nearest lane of the roadway [decision document #I-12].

Appellants also assert that the air quality analysis completed for the INHT project is not sufficient, and that the emissions resulting from increased snow machine use will cause health concerns. As the Response to Comments explains, the air quality issue was analyzed during Forest Plan revision. This analysis included studies within the West Yellowstone, Montana area, which have found levels of snow machine-generated carbon monoxide that have exceeded Federal standards during times when over 1,000 snowmachines moved through the entrance per day, and during periods of air stagnation and temperature inversions. Snow machine counts at Turnagain Pass, the area with the highest snow machine use concentrations on the Chugach National Forest, indicate a peak of 100 vehicles per day [DN, p. A-23]. Unlike West Yellowstone, the Turnagain Pass and Lost Lake areas are not in a mountain basin prone to air stagnation due to temperature inversions. Present use of the area indicates no visibility impairment and even with the potential increase in snow machine use, emission levels are expected to remain below Federal air quality standards [DN, p. A-23].

Appellants further assert that the cumulative effects of the increased winter motorized use will be significant. Members of the INHT interdisciplinary team (IDT) prepared a significance matrix that indicates that of the 105 miles of trails authorized for winter motorized use, 61 miles are existing trails where winter motorized use is already allowed [decision document #L-44]. The IDT also concluded that increased motorized use on trails will likely occur regardless of the INHT proposal. The EA indicates that other projects proposed in the area in the foreseeable future will add additional opportunities for people to experience developed recreation sites. Conversely, the opportunities for solitude and quiet will diminish or will require more effort to obtain them [EA, p. 29]. The Selected Alternative minimizes user conflicts to the extent feasible by separating motorized and non-motorized users where possible. Based on the analysis in the EA and project record, the Forest Supervisor concluded that the potential cumulative effects of the INHT project are not significant [DN, p. 11].

Finally, appellants assert that the Forest Service has not demonstrated compliance with EO 11644. This Order is listed in the Chugach Forest Plan as one of the relevant statutes the Forest Service is required to comply with [Chugach Forest Plan, decision document #M-12, p. D-24]. The Order establishes policies and provides for procedures that ensure that the use of off-road vehicles on public lands will be controlled and directed to protect resources, promote safety, and minimize conflicts. In my opinion, the Selected Alternative demonstrates compliance with this Order.

Based on the analysis in the EA and project record, the Forest Supervisor concluded that the INHT project will not have a significant effect on the human environment and that an EIS is not necessary. In my opinion, the EA and project record indicate that user conflicts, including the potential safety concerns related to these conflicts, were appropriately considered and disclosed, and the analysis in the project record is sufficient to support the Forest Supervisor's conclusion that the INHT project will not have a significant effect on the human environment. Therefore, an EIS is not necessary.

Issue 3. Whether the Forest Service considered an adequate range of alternatives.

Appellants assert that the EA should have included an alternative that provides non-motorized use only. Appellants also assert that time-sharing of the trail should have been considered.

Discussion

Regulations implementing the National Environmental Policy Act (NEPA) at 40 CFR 1502.14(a) state that agencies shall "rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives that were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." The Council on Environmental Quality (CEQ) has clarified these regulations, stating "[w]hat constitutes a reasonable range of alternatives depends on the nature of the proposal and the facts in each case" [CEQ's Forty Most Asked Questions #1(b)].

With regard to the INHT project, the IDT identified alternatives to the proposed action as described in Chapter 2 of the EA [pp. 6-14]. Those alternatives included a range of available recreation opportunities based on managed trail use, as displayed in Table 3 of the EA [p. 20]. The miles of managed trail use ranges from 86 to 137 total miles of summer trail, and from 79 to 145 total miles of winter trail [EA, p. 20]. These trails will be managed for various uses, including hiking, mountain biking, horseback riding, ATV use, and canoeing/kayaking on summer trails and skiing or snow machine use on winter trails. The discussion of each alternative includes specific information on the locations of trailheads and proposed activities for heritage resources. In response to public comments, the IDT did consider an alternative that would provide a continuous non-motorized route, as described in the "Alternatives Considered but Eliminated from Detailed Study" discussion [EA, p. 14]. IDT meeting notes indicate an alternative that closes everything to snowmachines would not meet the intent of the INHT Comprehensive Plan or the Chugach Forest Plan [decision document #B-26].

The Forest Supervisor explains his rationale for why a completely non-motorized alternative is not a reasonable alternative:

Any reasonable nonmotorized route would go through areas that are currently open to snow machine use. Additionally, a nonmotorized alternative would still need to meet the requirements of Section 1110 of ANILCA, which would require a finding of detriment to resource values to prohibit snow machine use for traditional activities. Since the analysis for the revised Forest Plan recently showed that snowmachines were an appropriate use in some of these areas, we could not reasonably find that a detriment to resource values would occur in these areas with this project. In addition, the areas have traditionally included motorized uses, and much of the trail is along highways and railways.

[DN, p. 9]. Appellants also assert that the Forest Service should have considered opening the trail to snowmachines during half the season and closing it for the other half, or rotating years that the trail would be open or closed. The IDT did discuss the possibility of alternating days and seasons of use, but did not choose this as an option because of the difficulties in implementing such use and the fact that sharing trails was addressed in the Forest Plan [see decision document #B-26].

In my opinion, the range of alternatives considered for the INHT project is reasonable and consistent with NEPA given the purpose and need for the project and current Forest Plan direction.

Issue 4. Whether there is a balance between motorized and non-motorized winter recreation opportunities.

Appellants assert that more emphasis is given to providing motorized recreation opportunities than to non-motorized recreation on the Kenai Peninsula and Turnagain Arm. Appellants also disagree with the EA's conclusion that the project will result in positive direct and indirect effects to recreation.

Discussion

In large part, appellants' assertions regarding the existing balance between motorized and non-motorized uses are outside the scope of a project level analysis. The Chugach Forest Plan provides direction for recreation opportunities, and Forest Plan goals identify that it is important to maintain quality settings for both non-motorized and motorized recreation opportunities [Chugach Forest Plan, decision document #M-12, p. 3-8]. Forest Plan maps indicate which areas are open to summer and winter motorized use [decision document #M-12, p. 4-91], and the Forest Plan ROD provides additional direction for the areas to be managed for non-motorized and motorized recreation:

On the Kenai Peninsula, maintain current road access and maintain and increase trail access. Emphasize non-motorized uses on roads and trails in the summer and motorized uses in the winter. Establish specific areas for non-motorized winter activities.

[Forest Plan ROD, decision document #M-12, p. 6]. Appellants assert that motorized winter uses are given preference on the Forest. The IDT recognized the concerns related to the conflicts between motorized and non-motorized users, and acknowledged that the INHT project could result in the displacement and/or other negative effects on user experiences [EA, p. 4]. Concerns were identified during scoping that the project may not provide an equitable distribution between non-motorized and motorized recreation [decision document #E-4]. The IDT addressed these concerns in the analysis. Table 4 in the EA displays a summary of winter trails by alternative, and indicates that under Alternative 4, there are 49 miles of ski trails to be managed for non-motorized use, 42 miles of trail to be managed for snow machine use only (single managed use), and 54 miles of shared ski and snow machine winter trail [EA, p. 23]. Managed use is defined as the mode of travel that is actively managed and appropriate, considering the design and management of the trail [EA, p. 7]. The EA also identifies that the midpoint trail in Turnagain Pass provides the opportunity to use the high and low routes in shorter segments and allows easier access to extensive alpine terrain for winter non-motorized activities [EA, p. 28].

Appellants challenge the statement on page 26 of the EA that the project “would result in positive direct and indirect effects to recreation,” asserting that this is not true as non-motorized users will be subject to increased conflicts. In the discussion of effects common to all action alternatives, the EA concluded:

Alternatives 2, 3, or 4 would result in positive direct and indirect effects to recreation by adding outstanding trail recreation opportunities... On-site interpretation of historic features and events related to the Iditarod Trail would provide opportunities for people to experience a significant historic period in Alaska.

[EA, p. 26; see also decision document #K-27, p. 3]. The maps for Alternative 4 indicate that three of the six cabins proposed are on winter non-motorized sections of trail [decision documents #A-9 and #K-27, p. 21]. The Response to Comments further addresses the concern that the alternatives would reduce non-motorized opportunities:

Approximately 14 of the 44 new trail miles are located in the highest concentrated snow machine use area on the [Chugach National Forest] at Turnagain Pass and currently receive very little to no nonmotorized use. At Turnagain Pass, nonmotorized users use the area on the east side of the Seward highway, which is closed to motorized use. Another six miles of trail along Kenai Lake is not managed for winter use and very little to no increase in winter motorized use is expected.

[DN/FONSI, Appendix A, p. A-6]. The Recreation Effects Report discusses potential conflicts for each trail segment [decision document #K-27, pp. 22-24], and most trail segments are expected to have minimal user conflicts [decision document #L-44].

In summary, the Selected Alternative for the INHT project increases the miles of non-motorized snow trail by 49 miles (from 32 to 81 miles) and the miles of motorized winter trail by 45 miles (from 60 to 105 miles) [EA, p. 19]. The Forest Supervisor selected this alternative because he believed it provides the most effective means of reducing potential user conflicts by separating

winter motorized and non-motorized uses to the extent possible, and that it protects the values of quiet, solitude, air quality, uninterrupted non-motorized recreation, safety, and views of pristine landscapes by reasonably regulating 81 miles of parallel alternative routes for non-motorized use [DN, p. 9].

The INHT project is consistent with Chugach Forest Plan direction for non-motorized and motorized winter recreation opportunities. In my opinion, the project record indicates that the Forest Supervisor attempted to balance the recreation opportunities for non-motorized and motorized users, and that he provided additional provisions in his decision to minimize user conflicts to the extent possible.

Issue 5. Whether the lands located within several miles of the INHT may be considered for future wilderness designation.

Appellants assert that the motorized trail will make it more difficult to propose the area for wilderness designation in the future.

Discussion

The activities proposed as part of the INHT project are within inventoried roadless areas, which were considered for possible wilderness designation during the Chugach Forest Plan revision process but were not recommended for wilderness designation. Therefore, management direction for these inventoried roadless areas on the Chugach National Forest is guided by Forest Plan management area prescriptions, standards, and guidelines [Chugach FEIS, decision document #M-12, p. 3-400].

With regard to the INHT project, trails are appropriate for the management areas included in the INHT project area. As stated in the Response to Comments, none of the proposed activities will alter the roadless character of the areas to the degree that they would no longer qualify for future designation as wilderness [DN/FONSI, Appendix A, p. A-5]. Approximately 54 miles (70 percent) of the new trail construction are within one mile of a highway or railroad, and the Forest Supervisor determined that in the context of the INHT project, any additional traffic or activity associated with the trail will be within an existing heavily used traffic corridor [DN, p. 10].

In my opinion, the activities proposed as part of the INHT project are consistent with applicable Forest Plan management direction. While additional motorized use is certainly an activity that should be considered in determining the future suitability of the area for wilderness designation, the activities associated with the INHT project will not physically degrade the wilderness values of the area to the extent that would preclude these inventoried roadless areas from being considered for future wilderness designation.

Issue 6. Whether the Forest Supervisor's decision is arbitrary and capricious.

Appellants assert that the increase in motorized use generated from the INHT project will cause adverse impacts and that the Forest Service has not adequately considered this increased use. Appellants also assert that the area considered for the analysis of the potential effects on wildlife should be the Kenai Peninsula/Turnagain Arm region rather than the entire Forest. Appellants further assert that the Forest Supervisor's decision does not protect the stated values of the Chugach National Forest.

Discussion

As stated above in response to Issue 2, winter motorized use is expected to increase regardless of the INHT proposal, and is already allowed on 61 of the 105 winter motorized trail miles included in the Selected Alternative [decision document #L-44; see also DN/FONSI, Appendix A, p. A-6]. The Recreation Effects Report discusses the potential conflicts between motorized and non-motorized users [decision document #K-27, pp. 22-24]. Approximately 14 miles of proposed motorized trail are located in the area of highest concentrated snow machine use at Turnagain Pass. Another six miles along Kenai Lake is not managed for winter use, and very little increase in winter motorized use is expected. Low use is expected on 2 miles of trail from Ptarmigan to Vagt Lake, mainly due to the area's lack of attractions and its proximity to currently used trails. On 7 miles of trail, snow machine use would most likely occur on adjacent lakes, and an additional 15 miles of winter trail occur on frozen lakes where winter motorized use already occurs. In my opinion, the EA and project record demonstrate that potential increases in winter motorized use have been considered and disclosed, although they may not have been quantified to the extent appellants suggest they should have been.

Appellants assert that the EA should have considered the Kenai Peninsula/Turnagain Arm region rather than the entire Forest in its analysis and discussion of the potential effects on migratory birds and other wildlife species. The EA and other documents in the project record considered and disclosed the potential effects of each alternative on selected wildlife species based on the area affected by the proposed actions. For example, the Iditarod Trail Effects Analysis Report for Wildlife discusses the potential effects on trumpeter swans and swan habitat in the vicinity of the proposed alternative trail locations and concludes that "none of the alternatives are expected to impact individuals or population viability" [see decision document #K-25, p. 12]. The Report also displays the effects analyses completed, at a local level, on an extensive list of species including osprey, moose, mountain goat, wolves, lynx, marbled murrelet, river otter, Townsend's warbler, wolverine, bald eagle, northern goshawk, brown bear, and migratory birds. The Report details the acres of habitat by cover type and age class that may be affected by the action alternatives, and states that the proposed action will not impact "any habitats that are unique or limiting" [decision document #K-25, p. 36].

For each species and in general, both the EA and the Report concludes that "overall, direct effects to habitat from trail construction and cabin construction are minimal in all alternatives, and should have limited effects on individuals of any species and no effect on populations" [decision document #K-25, p. 9; EA, p. 35].

Appellants also assert that the decision should protect the stated values of natural quiet, clean air, scenic beauty, and public safety. As discussed above, the EA, DN, and other documents in the project record considered the potential conflicts between motorized and non-motorized users. The types of conflicts between winter users for all trail segments are based on different values held by motorized users and non-motorized users, including noise, ease of access, snow compaction, speed of travel, and potential safety concerns [EA, p. 22]. Changes to scenery are described as changes viewed when on the trail and changes caused by the trail. The Recreation Effects Report concluded that Alternatives 2, 3, and 4 will expand existing opportunities to see extensive, primarily unmodified forested and alpine wildlands, waterfalls, and wildlife [decision document #K-27, p. 3]. The alternative routes considered for the INHT project and the natural and other values to be protected are discussed in detail in the Management Considerations of Alternative Routes section of the DN [pp. 4-6]. See my response to Issue 2, above, for a complete discussion of the public safety and air quality issues raised by the appellants.

As acknowledged in the EA, DN, and project record, motorized use is expected to increase regardless of the alternative selected for the INHT project, including the no action alternative. In my opinion, the project record indicates that this expected increase in motorized use has been adequately considered and disclosed, and the record indicates that the IDT and Forest Supervisor took reasonable steps to minimize potential user conflicts to the extent possible. The potential effects on wildlife and wildlife habitat were adequately evaluated at an appropriate scale, and the potential effects on wildlife habitat for a broad range of species was considered and disclosed both in the EA and in the project record.

Recommendation

In my opinion, the analysis in the EA and project record is sufficient to support the Forest Supervisor's decision with respect to the issues raised in this appeal. Therefore, I recommend that you affirm the Forest Supervisor's decision.

/s/ Steven A. Brink
STEVEN A. BRINK
Appeal Reviewing Officer

Enclosures