



**DECISION NOTICE
AND FINDING OF NO SIGNIFICANT IMPACT (FONSI)
SPENCER WHISTLE STOP OUTFITTER AND GUIDE OPPORTUNITIES
USDA FOREST SERVICE
CHUGACH NF, GLACIER RD
GIRDWOOD, ALASKA**

INTRODUCTION

The USDA Forest Service has conducted an environmental assessment (EA) which describes the type and amount of commercial recreation, related services and infrastructure to be provided under Special Use Permits at the Spencer Glacier Whistle Stop and surrounding area during the snow free season. The purpose of the action is to provide outfitted and guided recreation opportunities at the Spencer Glacier Whistle Stop through the issuance of special use permits (permits) through a prospectus. The EA documents the analysis of two alternatives to meet this need.

The authority for this decision is contained in Federal Lands Recreation Enhancement Act, 16 U.S.C. 6802(h) (Ref. FSH 2709.14, Chapter 50).

DECISION

I have reviewed the EA, considered public comment, and have selected Alternative 2 (Modified Proposed Action), with additional modifications based on public input as described below. This decision approves the development of a prospectus to be conducted and permits to be awarded for the 2016 operating season.

I am authorizing non-motorized boating on Placer Lake, boating on Placer River, glacier climbing and hiking, overnight camping, and guided hiking as outlined in Table 2 on page 8 of the EA. This decision also approves additional storage facilities, a second boat launch site, campsites for guided overnight use, improvements to parking areas and other connected actions to the outfitter and guide activities.

Specific components of the selected alternative that have been further modified or clarified are described below.

Activities proposed and maximum group sizes. This decision approves the types of activities and group size described in Table 2 of the EA with the following clarifications that address public comment.

- The EA (Table 2) proposed authorizing a maximum of one group of 100 people per day for non-motorized boating on Spencer Lake and one group of 100 per day for rafting Placer River. Commenters expressed concern that due to the limited fixed train schedule, simultaneously launching two groups of 100 could result in congestion and delay at the boat launches and negatively impact users' experience. Therefore this decision clarifies that only one of these larger group size activities (100 people) would launch at one time. This larger group would have the option of a Spencer Lake tour, a Placer River float trip or both. As train capacity is increased beyond the existing afternoon Glacier Discovery train, the second larger size activity would be available to authorize. This change addresses public concern related to congestion at the boat launch and the potential negative impacts to recreation user experience with large group sizes.
- The EA proposes approving a maximum of three parties per day for guided access to the glacier using helicopters. Commenters expressed concern that noise from and presence of helicopter activities will adversely affect recreationists in the area. This decision clarifies that helicopter landings are not allowed between 2:00 and 5:00 p.m. when the majority of recreation activity occurs. This decision further clarifies that the three permitted helicopter landings would include landings on the Spencer Glacier, as well as any nearby alpine areas where guests are being guided and a portion of the guided trip utilizes the Spencer developed recreation area and associated recreation facilities such as the Spencer Whistle Stop. These changes addresses public concern related to reducing visual and noise impacts on recreation users seeking a non-motorized recreation experience.
- The table describes that three outfitter guide camping areas will be approved for use on the south side of Spencer Lake. For clarification, these camp sites will be located out of view and sound of other campsites as well as the current 'day use area' adjacent to Spencer Glacier which is currently being used as a boat landing area to access the glacier. The design of the campsites will be similar to the public dispersed campsites on the north side of the lake, consisting of a hardened, level camping site and food storage containers and containers for tents and other camping gear. All camping gear will be broken down when not in use.

Parking Areas. As described in the EA, this decision approves establishment of new parking areas at the whistle stop and boat launch areas. The design of the parking areas will form a loop (cul-de-sac) at the end of the existing access road in order to reduce congestion and provide visual screening from the public use areas. These looped parking areas will be approximately 400 ft. in length.

Base Camps. This decision approves base camp facilities in the developed recreation area. As described in the EA, these areas would provide storage of gear and materials connected to permit operations. The location of these areas will be selected so they provide separation and minimize visual impacts from the boat launch sites and Spencer Glacier Trail. Specific locations and access to the base camp areas will be along the service road to the group campsite and the looped parking near the boat launch.

Public comments indicated that requiring all guide companies to base their operations in the service center with no sight or sound separation from each other, would create confusion with the guests. Another comment supported locating base camps away from the boat launch areas. This decision allows for several base camp location options, including within the service center.

Boat Launch Site. This decision approves the connected action of developing a second boat launch site to Spencer Lake. This launch site will be located approximately 500 ft. from the existing site and will be accessed from the existing trail. Guides will be allowed to store boats in the water at both launch sites, as well as a minor amount of boat related equipment—lines, oars, etc. on small racks or storage containers. Storage of larger items such as tents, canopies, wall tents, etc. will only be allowed at the designated base camp areas. No parking will be allowed at the boat launches. The intent is to provide the look and feel of public use facility at these launch sites, rather than the exclusive use of specific operator.

Transportation. In order to transport visitors and equipment, it is important for guides to be able to drive from the train stop to the lake. Permitted activities include shuttle service for the general public for access to the lake and group campground.

This decision also approves additional actions (EA page 9) and the design features (EA pages 9-11) for Alternative 2, including measures to minimize impacts to recreation, visual, aesthetic, wildlife, sensitive plants, heritage and hydrological resources.

RATIONALE FOR DECISION

When compared to the other alternative this alternative meets the purpose and need while also addressing concerns and comments raised during the scoping process. With the implementation of Alternative 2, the number of permitted guides, the types of recreation use, and the overall levels of recreation use are all expected to increase as depicted on Table 2 of the EA. Existing uses, including rafting tours down Placer River, boat tours on Spencer Lake, and guided hiking, are likely to expand. New uses would include overnight camping, transportation and rentals.

The approval of these new uses and increases in use levels meets the purpose and need to provide outfitted and guided recreation opportunities (EA page 5). It also meets the 2002 Chugach National Forest Revised Land and Resource Management Plan (Forest Plan) goals to maintain quality settings for non-motorized recreation opportunities (Forest Plan page 3-8). The selected alternative is also consistent with other supporting planning documents including the approved ROD for the Whistle Stop Project which approved the development of additional backcountry access to increase recreation opportunities available to Chugach National Forest visitors (Whistle Stop ROD page7).

These increases in new uses and increases in use levels have been designed to retain a quality setting for non-motorized recreation opportunities (EA page 5). For example, the selected alternative maintains the recommended balance between independent use and outfitter and guide

use. In addition, due to the concern about crowding, the selected alternative reduces the overall group size recommended in the capacity analysis.

OTHER ALTERNATIVES CONSIDERED

In addition to the selected alternative, I considered a “no action” alternative (EA, page 7). This alternative is the same as the existing condition. Two outfitter and guide companies currently have one year permits at the Spencer Whistle Stop area.

This alternative was not selected because Forest Service policy does not allow for indefinite extension of temporary permits. Under a “no action” alternative, existing temporary permits would expire and there would be no outfitter guide use. Due to the logistical and skill level requirements associated with this backcountry setting, many visitors to the Spencer area rely on an outfitter and guide provided service to access Spencer Lake, Placer River and Spencer Glacier. This alternative would not meet the purpose and need to provide quality settings for non-motorized recreation opportunities (EA page 5) nor would it meet the overall intent of the Whistle Stop project to increase recreation opportunities available to Chugach National Forest visitors (Whistle Stop ROD, page 7).

PUBLIC INVOLVEMENT AND SCOPING

This action was originally listed as a proposal on the Chugach National Forest Schedule of Proposed Actions on October 14, 2009 and has been updated periodically during the analysis.

On October 14, 2009 a solicitation of interest letter was sent to potential vendors asking for identification of summer recreational opportunities for commercial services. Further opportunities to comment were made available by holding a public meeting in Girdwood on December 2, 2009. Approximately five vendors expressed interest in offering several activities including non-motor and motorized boat trips, boat/bike rentals, gold panning and overnight accommodations.

On June 26, 2013, 106 letters were sent to interested parties including commercial guides, local Native Corporations, Villages and Tribes, requesting input to help guide the development of the prospectus. Six comments were received.

On December 17, 2013 a letter requesting input on the proposed action was sent to a list of 132 interested parties including commercial guides, individuals, and Native Tribes and Corporations. Three comments were received.

The EA lists people consulted on page 16.

RESPONSE TO COMMENTS

Comments on the EA were grouped under three categories: maximum group size, helicopter landings and base camp location. As explained in the “Decision” section above, the selected

alternative was modified and clarified to address these comments.

FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

Context

The significance of an action must be analyzed in several contexts and varies with the setting. The environmental effects of this project are analyzed at varying scales (see specialists reports in the project record). I have reviewed the cumulative effects of past management, combined with this project and feel that the context of this decision is limited to the land in and adjacent to the project area and does not set a local, regional or national precedent.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from page 12 of the EA and the project record. I have determined that the interdisciplinary team considered the effects of this project appropriately and thoroughly with an analysis that is responsive to concerns and issues raised by the public. My finding of no significant impact is based on the intensity of effects using the ten factors identified in 40 CFR 1508.27b.

1) Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial. Consideration of the intensity of environmental effects is not biased by beneficial effects of the action.

2) The degree to which the proposed action affects public health or safety. The Forest Service authorizes outfitter and guide permits to provide opportunities for people to safely partake in activities on their National Forest System lands who may not have the equipment, experience or skills to do these activities on their own. No negative effects to health and safety are expected from implementation of this project.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

The unique characteristics are addressed in the Environmental Impacts of the Proposed Action and Alternative section beginning on page 12 of the EA. The project area does not include prime farmlands, wilderness, Wild and Scenic Rivers, or ecologically critical areas.

The proximity to historic or cultural resources was addressed in the EA, starting on page 15. Numerous cultural resources exist within the project area. However, any adverse effects will be circumvented with the implementation of the agreed upon mitigation measures outlined in the Whistle Stop Programmatic Agreement for the Management of Historic Properties (2006).

Impacts to floodplains, wetlands and riparian areas around Spencer Lake, the Placer River and

the project area will be mitigated by following Best Management Practices. (See EA page 14.)

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial. This action involves a low level of effects on the quality of the human environment and is not likely to be highly controversial. The alternative selected was developed to help mitigate impacts to the visual resources and capacity issues while still allowing commercial outfitter and guide activities to occur under special use permit.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The Forest Service has over 7,000 outfitter and guide special use permits issued nationwide. The impacts of outfitter and guide activities proposed under special use permit are foreseeable and well documented. This specific project does not include elements that are unique from other projects that involve outfitter and guide opportunities. The effects on the human environment are not highly uncertain, and the project does not involve unique or unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. No significant impacts to resources were identified. Therefore, this action is not expected to establish any precedents for future actions, and does not represent a decision in principle about future outfitter and guide applications.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Resource specialists conducted cumulative effects analyses (see project record). There are no cumulatively significant impacts anticipated.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in the National Register of Historic Places or may cause loss or destruction of significant cultural or historical resources. The action will have no significant adverse effect on districts, sites, highways, or structures. Potential impacts to the heritage resources on the south side of Spencer Lake and along the Placer River are likely if the cultural sites are not avoided. Looting of artifacts and damage to the historic properties is at a greater potential risk due to increased use by overnight camping and hiking within the historic property boundaries. To avoid adverse effects to the known historic properties mitigation measures will be implemented as outlined in the Whistle Stop Programmatic Agreement and the Whistle Stop ROD (pg 18-19). The mitigation measures include, but are not limited to:

- A heritage resource specialist will monitor all project activities occurring within 100 feet of a known cultural site.
- Any work to be completed within heritage site boundaries will not occur without approval of the project archeologist. This will include brushing, slash pile placement, use of mechanized equipment and staging within the designated historic site boundaries.
- If any previously undiscovered heritage artifacts or sites are located during project implementation, the artifacts and sites are not to be disturbed. Work will stop and the project archeologist immediately notified. A heritage specialist will evaluate the discovery within 24 hours, consult with appropriate parties and recommend avoidance or mitigation measures in accordance with the Region 10 and Whistle Stop Programmatic Agreements.

Existing cultural resources and historic properties that exist in the area will be monitored for looting and vandalism by an archaeologist and will follow the guidelines set forth in the Chugach National Forests looting and vandalism protocols. The Archaeological Resources Protection Act of 1979 will be enforced. Artifacts that were identified for collection or avoidance in select areas identified in the Whistle Stop Cultural Resources Report will be inventoried, collected and/or avoided prior to activities taking place in those areas. A final decision to collect or avoid and monitor will be recommended by the Heritage Specialist.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act. There are no endangered or threatened species or habitat in the project area.

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered and are listed in this document under *Findings Required by Other Laws and Regulations*.

CONCLUSION

After considering the environmental effects described in the EA and specialist reports, I have determined that Alternative 2 will not have significant effects on the quality of the human environment (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the 2002 Chugach National Forest Revised Land and Resource Management Plan (Forest Plan). This decision is consistent with the National Forest Management Act (NFMA) and all other applicable laws and regulations, including but not limited to:

Endangered Species Act - Biological evaluations were completed for threatened, endangered, proposed, and sensitive plant and animal species. No threatened and endangered plant or animal species would be affected by the project because there are none in the area.

ANILCA Section 810, Subsistence Evaluation and Finding - The effects of this project have been evaluated to determine potential effects on subsistence opportunities and resources. There is no documented or reported subsistence use that would be restricted as a result of this decision.

Bald Eagle Protection Act - Management activities within bald eagle habitat will be in accordance to a Memorandum of Understanding between the Forest Service and the U.S. Fish and Wildlife Service.

National Historic Preservation Act of 1966 - Section 106 of the National Historic Preservation Act requires that all federal undertakings follow the regulations found at 36 CFR 800 to identify and protect cultural resources that are within the project area and which may be affected by

projects. The Forest Service shall follow the approved standard protection measures identified in the USFS CNF Programmatic Agreement with SHPO To avoid adverse effects to the known historic properties mitigation measures as outlined in the Whistle Stop Programmatic Agreement will be implemented.

11988 Executive Order 12898 - Environmental Justice - Implementation of this project is not anticipated to cause disproportionate adverse human health or environmental effect to minority or low-income populations because the proposed activities are not expected to cause any affects to human health or result in adverse environmental consequences.

Clean Air Act - Implementation of the proposed action will not exceed State of Alaska ambient air quality standards (18 AAC 50).

Executive Order 13112 - Invasive Species -The proposed action is in compliance with Executive Order 13112 and will not contribute to the spread of invasive species on National Forest System lands.

Executive Order 11988 and 11990 - Wetlands and floodplains occur in the project area and may be impacted by the proposed action. However, the impacts are likely to be minimized by following Best Management Practices as listed in the Water Resources Specialist Report found in the project record.

Recreational Fisheries (E.0.12962) - No major adverse effects to freshwater or marine resources would occur with implementation of this project, due to proper location and design features of recreation facilities.

Magnuson-Stevens Fishery Conservation and Management Act - The Magnuson-Stevens Fishery Conservation Act (the Act) requires that all federal agencies consult with the National Marine Fisheries Service (NMFS) when any project “may adversely affect” essential fish habitat (EFH). The Act also requires that agencies with existing consultation processes contact NMFS to discuss how the existing processes can be used to satisfy the EFH consultation requirements (50 CFR 600.920(e) (3)). None of the activities will cause any action that may adversely affect EFH as defined by this Act.

Forest Plan Direction - The Chugach National Forest Revised Land and Resource Management Plan (Forest Plan) guides natural resource management activities and establishes management guidelines and standards for the National Forest. Proposed management activities must be consistent with the Forest Plan. Goals and objectives identify the major areas of emphasis for Forest Plan implementation. The mitigation measures defined in the EA under Alternative 2 will meet forest-wide goals, including maintaining quality settings for non-motorized recreation opportunities, and providing recreation opportunities for interpretation and education as related to all Forest resources.

ADMINISTRATIVE REVIEW AND OBJECTION RIGHTS

This decision was subject to the predecisional administrative review process pursuant to 36 CFR 218. Individuals or non-federal organizations who submitted timely, specific written comments during scoping or any designated opportunity for public comment had standing to file objection prior to the deciding official making a decision on this project. The 45-day objection period ended on September 25, 2015. No objections were received.

IMPLEMENTATION

Implementation may begin immediately. The Forest Service anticipates issuing the Spencer Glacier prospectus on or before November 2015.

FURTHER INFORMATION

For further information concerning this decision, contact: Teresa Paquet, Special Uses Service Team, Glacier Ranger District, Chugach National Forest, PO Box 129, Girdwood AK 99587, phone: 907-754-2314.



10/15/15

TIM CHARNON
Glacier District Ranger

Date

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