



**DECISION MEMO
ALASKA REGION
CHUGACH NATIONAL FOREST**

2002 Revised Land Management and Resources Plan Heritage Resources Amendment

Decision to be Implemented

It is my decision to amend the 2002 Revised Land and Resource Management Plan (RLRMP); replacing the Heritage Resources Standard and adding two Guidelines (page 3-34 of the RLRMP) as follows:

Standard

1. Utilize the current *Programmatic Agreement among the USDA Forest Service, Alaska Region, the Advisory Council on Historic Preservation and the Alaska State Historic Preservation Officer Regarding Heritage Program Management on National Forests in the State of Alaska* and the Memorandum of Understanding for the Squilantnu Archaeological District between the Chugach National Forest, the Kenaitze Indian Tribe, and the Cook Inlet Region Incorporated (CIRI) or revert to the standard Section 106 process (36 CFR §800).

Guidelines

1. Significant, or potentially significant, inventoried cultural resources are managed to achieve a “No Effect” or “No Adverse Effect” determination, in consultation with the SHPO and ACHP (36 CFR §800). Monitoring cultural resources during and after project implementation may be conducted to document cultural resource protection and condition. Management strives to achieve a “No Effect” determination.
2. Identified cultural resources are evaluated for their National Register eligibility. Cultural resources for which determinations of eligibility have not been made are managed as if they are eligible, unless consultation with the SHPO indicates otherwise.

Rationale

The current Heritage Resources standard reads as follows:

Standard

1. Heritage resource site surveys are required for any surface or subsurface activities disturbing more than one square meter of ground (cumulative disturbance over project area). In addition, in areas of known heritage resources, sites or districts on, or eligible for the National Register of Historic Places, site surveys are required for any surface or subsurface ground disturbing activities (RLRMP, pg. 3-34).

This standard doesn't adequately describe requirements for compliance with the Programmatic Agreement among the USDA Forest Service, Alaska Region, the Advisory Council on Historic

Preservation and the Alaska State Historic Preservation Officer (SHPO). The vague wording can be misinterpreted and could place many heritage resources at risk. For example, the current wording suggests any undertaking involving less than one square meter of ground disturbance is exempt from Heritage review. This is not an accurate interpretation. The revised standard and guidelines reference current policy and provide clear direction for management of heritage resources on the Chugach National Forest.

Reasons for Categorically Excluding the Decision

A proposed action may be categorically excluded from analysis and documentation in an environmental impact statement (EIS) or environmental assessment (EA) only if: (1) the proposed action is within a category listed in 36 CFR §220.6(d) or (e) and (2) there are no extraordinary circumstances.¹

This decision is within the scope of 36 CFR §220.6(e)(16): “Land management plans, plan amendments and plan revisions developed in accordance with 36 CFR §219 *et seq.* that provide broad guidance and information for project and activity decisionmaking in a NFS unit.”

36 CFR §220.6(b) identifies resource conditions that should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or an EIS. Below is a list of the resource conditions listed in 36 CFR §220.6(b) that was considered:

Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

This is a programmatic action related to heritage resource protection and does not authorize site-specific activities. Therefore there are no extraordinary circumstances related to federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

Flood plains, wetlands or municipal watersheds.

This is a programmatic action related to heritage resource protection and does not authorize site-specific activities. Therefore there are no extraordinary circumstances related to flood plains, wetlands or municipal watersheds.

Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.

This is a programmatic action related to heritage resource protection and does not authorize site-specific activities. Therefore there are no effects to wilderness, wilderness study areas or national recreation areas.

Inventoried roadless areas or potential wilderness areas

This is a programmatic action related to heritage resource protection and does not authorize site-specific activities. Therefore there are no effects to inventoried roadless areas.

Research Natural Areas

This is a programmatic action related to heritage resource protection and does not authorize site-specific activities. Therefore there are no effects to research natural areas.

¹ 36 CFR §220.6(a).

American Indians and Alaska Native religious or cultural sites

This is a programmatic action related to heritage resource protection and does not authorize site-specific activities. Therefore there are no direct effects to any cultural sites. This amendment clarifies direction for heritage resources on the Chugach National Forest and provides improved protection for American Indian and Alaska Native religious or cultural sites on the Forest.

Archeological sites, or historic properties or areas

This is a programmatic action related to heritage resource protection and does not authorize site-specific activities. Therefore there are no direct effects to any archeological or historic sites. This amendment clarifies direction for heritage resources on the Chugach National Forest and provides improved protection for archaeological or historic properties or areas on the Chugach National Forest.

Interested and Affected Agencies, Organizations and Persons Contacted

This project has been listed on the Schedule of Proposed Actions (SOPA) since January 2012. The SOPA is available on the Chugach National Forest website and hard copies are mailed to 22 individuals. Scoping to determine the presence or absence of potential effects of extraordinary circumstances occurred March 2012 through April 2012. Scoping letters were sent to 31 organizations and agencies including Tribes and Native Corporations. One email inquiring about the geographic scope of the proposed action was received. No significant issues or extraordinary circumstances were identified.

Further internal review of the proposed action resulted in the removal of the third guideline:

3. Consult directly with appropriate representatives of the Kenaitze Indian Association and CIRI before making a decision on activities which could impact cultural resources in the vicinity of the Squilantnu Archeological District.

This guideline repeats direction found in the Memorandum of Understanding for the Squilantnu Archeological District between the Chugach National Forest, the Kenaitze Indian Tribe, and the Cook Inlet Region Incorporated (CIRI) and therefore is not necessary.

Based on my review of the interdisciplinary team analysis and public input, I determine there are no extraordinary circumstances related to this amendment.

Findings required by other laws

Chugach Revised Land and Resource Management Plan

This decision is consistent with the Chugach RLRMP. It will not change the purpose and need of the RLRMP, nor will it change the goal and objectives related to protecting heritage resources (RLRMP, page 3-7). Specifically, this amendment aligns directly with the following three objectives found on page 3-7 of the RLRMP to:

3. Work with the State Historic Preservation Officer and tribal governments to develop programmatic agreements addressing management activities common to the Chugach National Forest, including special use permits, small-scale mining, forest restoration activities, recreation and trail developments, and fish and wildlife habitat manipulation.

4. Implement the programmatic agreement between the Forest Service and the State of Alaska Historic Preservation Officer.
6. Work cooperatively with Native groups, local communities and the State Historic Preservation Officer to enhance historic and prehistoric values on the Forest.

ANILCA Section 810, Subsistence Evaluation and Finding

As a programmatic action related to heritage resource protection, there would be no effects to subsistence use. Therefore, this amendment would not result in significant restriction of subsistence use of wildlife, fish or other foods.

ANILCA Section 811, Subsistence Evaluation and Finding

As a programmatic action related to heritage resource protection, no access would be restricted as a result of this decision. Therefore, this action would not result in a significant restriction of subsistence users having reasonable access to subsistence resources on National Forest System Lands.

Endangered Species Act of 1973

This is a programmatic action related to heritage resource protection and does not authorize site-specific activities. Therefore, there are no effects to any species listed as endangered or threatened, or proposed for listing or any proposed or designated critical habitat under the Endangered Species Act of 1973.

National Historic Preservation Act of 1966

The Forest Service program for compliance with the National Historic Preservation Act (NHPA) includes locating, inventorying and evaluating the National Register of Historic Places eligibility of historic and archeological sites that may be directly or indirectly affected by scheduled activities. Regulations (36 CFR §800) implementing Section 106 of the NHPA require Federal agencies to consider the effects of their actions on sites that are determined eligible for inclusion in or are listed in the National Register of Historic Places (termed "historic properties"). As a programmatic amendment to the forest plan, this decision does not authorize site-specific activities that may directly or indirectly affect historic properties. However, this amendment revises the RLRMP to provide heritage resource standards and guidelines that more clearly comply with provisions of the NHPA under the Programmatic Agreement and the MOU.

Floodplain Management (E.O. 11988), Protection of Wetlands (E.O. 11990)

This is a programmatic action and does not authorize site-specific activities. I have determined it will not have any impacts on wetlands and floodplains and will comply with Executive Orders 11988 and 11990.

Recreational Fisheries (E.O. 12962)

This forest plan amendment is a programmatic action related to heritage resource protection and does not authorize site-specific activities that would affect recreational fisheries.

Environmental Justice (E.O. 12898)

As a programmatic decision related to heritage resource protection, I have determined that, in accordance with Executive Order 12898, this project does not have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

Invasive Species (E.O. 13112)

Executive Order 13112 directs Federal agencies not to authorize any activities that would increase the spread of invasive species. This programmatic forest plan amendment does not authorize any site-specific activities that would have the potential to spread invasive species. I have determined this amendment complies with Executive Order 13112.

Magnuson-Stevens Fishery Conservation and Management Act

This forest plan amendment is a programmatic action related to heritage resource protection and does not authorize site-specific activities that would affect anadromous species and continental shelf fisheries.

Finding of Consistency with All Applicable Federal Laws and Regulations

Based on my review of the actions associated with this amendment and all applicable specialists' input, I find that the forest plan amendment to replace the heritage resource standard and add two guidelines is consistent with applicable Federal laws and regulations.

Public Review Period and Objection Process

Amendments to Forest Plans that are categorically excluded from analysis in an EIS and that are documented in a decision memo are subject to a 45-day objection process. A legal notice was published in the Anchorage Daily News on July 20, 2012, marking the beginning of the 45-day objection period. In addition, hard copies of the draft decision memo were mailed to the 22 individuals previously scoped. The regulations at 36 CFR §219.52² describe the objection process that governs amendments to forest plans. As of the close of the objection period, no objections were received.

AMENDMENT IMPLEMENTATION

This decision shall be implemented in accordance with Forest Service regulations contained in 36 CFR §219.58(c). As no objections were received, this amendment is effective immediately upon my signature.

FOREST CONTACT

For additional information concerning this proposed amendment or for information on the objection process, contact Sharon Randall by phone: (907) 743-9497 or email: FS-comments-alaska-chugach@fs.fed.us.


TERRI MARCERON
Chugach Forest Supervisor

9/18/2012
Date

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² Federal Register Volume 77, No. 68, April 9, 2012, 21273-21275.

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