Decision Notice
for the
Vallenar Young-growth Project

USDA Forest Service
Ketchikan Misty Fjords Ranger District
Tongass National Forest
Ketchikan Alaska

Introduction

This Decision Notice contains a brief summary of the environmental analysis completed for the Vallenar Young-growth Project environmental assessment (EA), my decision regarding which alternative to implement, and the rationale for that decision. It also contains findings required by various laws. The EA completed for this project is incorporated by reference.

Additional documentation is available in the project record and can be found at: https://www.cloudvault.usda.gov/index.php/s/weTFWuTSH3q0GAm

Response to Objections

The draft Decision Notice, EA and Finding of No Significant Impact (FONSI) were released on February 23, 2018, initiating a 45-day objection filing period under 36 CFR Part 218, Subparts A and B. The objection filing period ended on April 9, 2018. The Reviewing Officer, Forest Supervisor Earl Stewart, received one eligible objection during the objection filing period, and issued his Response to Objections (36 CFR 218.11(b)(1)) on May 16, 2018, which included instructions that resulted in the following clarification:

Clarify *[t]he current poor condition of the NFS road (as described in the Aquatics BE but omitted from the EA) and state the road closure at the end of this project will include site-specific measures to restore natural drainage, reconnect flow to downstream fish habitat, and control erosion.*

Clarifications to the draft Decision Notice required by the Reviewing Officer's instructions are included in this document on page 2.

Decision and Reasons for the Decision

The decision I am making today is to approve the Vallenar Young-growth Project, which is the Proposed Action as described in the EA, with one clarification required by the Reviewing Officer's Response to Objections. As required by law and regulation, this decision is fully supported by the environmental analysis documented in the EA, with the clarification required by the Reviewing Officer's instructions.

Based upon my review of the analysis of the alternatives in the EA, comments received during public comment periods, and consideration of the 2016 Tongass National Land and Resource Management Plan (Forest Plan) and documentation included in the project record, I have selected the Proposed Action to allow harvest of 155 acres of young-growth forest by clearcut, and

recondition 1.2 miles of road for access, and restore hydrological function on Road 8110000 in the Vallenar Creek Watershed. I believe it is important to clearly explain why I have selected the Proposed Action, hereafter referred to as the Selected Alternative.

In comparison to the No Action Alternative (existing condition), I find that the Selected Alternative will advance the project area toward the desired conditions for the Timber Production Land Use Designation (LUD). Desired conditions include, but are not limited to managing lands for sawtimber and other wood products, and maintaining healthy tree stands that contribute to annual volume outputs for the Forest (Forest Plan, p. 3-118). The Selected Alternative will implement young-growth Forest Plan LUD direction that supports the transition away from old-growth timber harvesting and towards a forest products industry that uses predominantly second-growth – or young-growth – forests (Forest Plan FEIS, p. 1-9; Forest Plan, pp. 2-5, 5-2, 5-3, 5-4, 5-13 and 5-14). In order to begin this transition, the timber industry needs an economically viable supply of young-growth timber to develop new markets, refine skills, and acquire equipment necessary for a young-growth industry (Forest Plan, pp. 5-3).

My decision includes the evaluation of the potential effects of the Selected Alternative when compared to the No Action Alternative. The relevant effects of the Selected Alternative are either avoided in space and time or are mitigated. For example project design features including best management practices (BMPs) for water quality and invasive species, stream buffering in riparian management areas, reasonable assurance of windfirmness (RAW) buffers as needed, and applicable Forest Plan direction. Vallenar Young-growth Project

When compared to the No Action Alternative, road reconditioning and subsequent storage after harvest operations under the Selected Alternative will restore hydrological function within the project area, and limit the potential for future spread of invasive plant species in the project area. Road 8110000, when stored will continue to provide pedestrian access to hunting, berry picking, and recreation opportunities.

Because road storage practices that existed during the time of past harvest were ineffective in retaining the structure of road 8110000, water quality and fish habitat have been compromised. Pre-harvest reconditioning activities on road 8110000 to current standards will restore natural drainage, reduce soil loss into streams, and provide for long-term improvement of water quality and fish habitat. Subsequent closure of road 8110000 will include site specific measures including a locked gate to prevent vehicle access and removal of installed structures to maintain hydrologic function. Photo point monitoring will be established at stream crossings, as well as implementation of BMPs to monitor post-project closure and storage of road 8110000 over time.

In making my selection I considered a combination of factors:

- I reviewed the need for the proposal to ensure it presented the problem or opportunity to which we needed to respond, and what we hope to accomplish by the action.
- I looked at how each alternative responded to the need for the proposal.
- I considered how each alternative addressed the concerns developed from scoping.
- I reviewed the environmental effects of each alternative
- I reviewed the project record to ensure it was contained all supporting project information used in the analysis.

- I reviewed and considered the comments on the preliminary EA to ensure we have responded appropriately to additional concerns raised by the public, other agencies, and the interdisciplinary team members.
- I verified that this decision is consistent with the Forest Plan as well as applicable laws, regulations, and policies.

Commercial thinning and uneven age management were options discussed by the interdisciplinary team (IDT), but not proposed as alternatives because of limited timber volume extraction with these treatments as well as operational constraints. (See Stand/Unit Diagnosis and Prescription in the project record.) The Selected Alternative will create conditions that allow for a new, vigorous stand to regenerate meeting long-term timber goals of the Timber Production LUD.

Public Involvement and Scoping

During public open house meetings in 2016 and 2017, the project was discussed as an opportunity for young-growth timber management on the District. The Forest Service engaged stakeholders (State of Alaska Division of Forestry and Alaska Forest Association) to discuss further. District employees also met with the Ketchikan High School Youth Advisory Council (YAC) in 2017 to introduce YAC members to the National Environmental Policy Act (NEPA), the environmental analysis process, and how to participate as members of the public by providing specific written comments on the EA.

Public scoping for this project was conducted for 30 days and announced with a legal notice in the *Ketchikan Daily News* on May 9, 2017. Notification was provided by postal mail to 13 interested parties. Emails, including project information were sent to 533 members of an electronic mailing list (GovDelivery) who requested information on timber projects proposed on the Tongass National Forest. Project information was posted on the Tongass National Forest public website: https://www.fs.usda.gov/project/?project=51766.

Public comments received during scoping were reviewed and considered by the interdisciplinary team (IDT) to address concerns, clarify information, and ensure that the preliminary environmental assessment (EA) was a concise, accurate, and complete document adequate for public review. To allow for additional review and comment, scoping was extended for an additional 15 days as announced in the *Ketchikan Daily News* on June 29, 2017. During scoping, we received seven letters from interested parties, resulting in 41 individual comments. After reviewing the comments, the Forest Service determined that there were no concerns that had not been addressed through project design and mitigation.

Since September 2016, the Forest Service provided monthly project updates to local federally recognized Alaska Native Tribes and Alaska Native Corporations. The preliminary EA and the Project Record were provided for their review prior to publication of the legal notice.

The preliminary EA was published and made available for public comment on December 29, 2017 for 30 days and was announced in the *Ketchikan Daily News*. Notification was provided by postal mail to 13 interested parties. Emails, including project information were sent to 533 members of an electronic mailing list who requested information on timber projects proposed on the Tongass National Forest. As a result, we received comments from eight interested parties, resulting in 91 individual comments.

The public was also provided an opportunity to attend an open house on January 25, 2018 to provide in-person comments and to ask Forest Service staff project-related questions. Approximately 15 people attended the open house and participants were from a diverse mix of interested parties including the timber industry, Alaska Native Tribal community, and members of the Ketchikan High School YAC. Testimony received from one person representing a Tribal Government resulted in support for the project and requested consideration that the road remain open for public use.

The project record includes the responses to all comments received during scoping, on the preliminary EA and on the draft Decision Notice and EA. It also includes the one objection that was filed and the Reviewing Officer's response.

Finding of No Significant Impact

As the responsible official, I am responsible for evaluating the effects of the project relative to the definition of significance established by the Council on Environmental Quality (CEQ) regulations (40 CFR 1508.13). After a thorough review of the EA, comments received, and consideration of the Forest Plan and documentation included in the project record, I have determined that the Selected Alternative will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding is discussed in detail in the EA FONSI, pp 19 to 22.

Consistency with the Forest Plan and other Applicable Laws and Regulations

I have reviewed the Forest Plan and have concluded that the Selected Alternative is consistent with applicable direction in the Forest Plan in Chapters 2, 3, 4 and 5. Specifically, the Selected Alternative is consistent with applicable plan direction (forest-wide standards and guidelines, young-growth direction, forest-wide plan components) in the Timber Production Land Use Designation (LUD) in Chapter 3, Management Prescriptions, of the Forest Plan (Forest Plan, pp. 3-118 to 3-124).

I have also reviewed Chapter 3, Environment and Effects, of the Forest Plan final environmental impact statement (FEIS), and conclude that the environmental effects associated with this project are consistent with those described in the FEIS.

Harvest openings over 100 acres in size; there are no harvest openings over 100 acres proposed for this project. Therefore, the Selected Alternative is consistent with the Forest Plan and FSM 2410.3, R10 Supp. 2400-2002-1, and consequently complies with the National Forest Management Act.

Application of Forest Plan direction ensures consistency at the project level; therefore, the Selected Alternative is consistent with the Forest Plan.

Findings Required by Other Laws and Regulations

Based on the EA, I have determined that the actions will not have a significant environmental impact on the human environment, individually or cumulatively, with other actions in the general area. I have issued a Finding of No Significant Impact (FONSI) that presents the reasons why the project will not have a significant effect on the human environment and for which an

environmental impact statement (EIS) therefore will not be prepared. This finding is based on the context and intensity of the project (40 CFR 1508.27).

Alaska National Interest Lands Conservation Act (ANILCA) of 1980; Section 810

The analysis concluded that a significant possibility of a significant restriction in subsistence opportunities is not expected to occur from implementation of the Selected Alternative (EA p. 7).

Bald and Golden Eagle Protection Act of 1940 (as amended)

No bald eagle nests were identified in the project area. Therefore, I determine that no significant effects are expected occur to bald or golden eagles. Should an active nest be found within or adjacent to the project area, appropriate nest site buffers and timing restrictions will be implemented in compliance with the National Bald and Golden Eagle Protection Act and through the Bald Eagle Take Permit Program (USDI Fish and Wildlife Service 2007).

Clean Water Act of 1977 (as amended)

Congress intended the Clean Water Act of 1972, as amended in 1977 and 1987, to protect and improve the quality of water resources and maintain their beneficial uses. Section 313 and Executive Order 12088 of January 23, 1987 address Federal agency compliance and consistency with water pollution control mandates. The site-specific application of best management practices (BMPs), with a monitoring and feedback mechanism, is the approved strategy for controlling nonpoint source pollution as defined by Alaska's Nonpoint Source Pollution Control Strategy (ADEC 2013). In 1997, the State approved the BMPs as described in the Forest Service's Soil and Water Conservation Handbook (USDA Forest Service 2006) as consistent with the Alaska Forest Resources and Practices Regulations (AFRPA). The BMPs are incorporated into the Tongass Land Management Plan. The Forest Service issued National Core BMPs in 2012 (USDA 2012). The Vallenar Young-growth project will implement the most up-to-date BMP guidance to achieve Alaska Water Quality Standards. The design of harvest areas for the project was guided by standards, guidelines, and direction in the Forest Plan and applicable Forest Service Manuals and Handbooks. Consequently, I have determined thatthis project fully complies with the Clean Water Act, and have therefore determined that no significant impact to water quality is expected as a result of this decision.

Endangered Species Act of 1973 (as amended)

A Biological Evaluation (BE) was completed for the project, which determined "no effect" to any federally listed threatened or endangered wildlife or plant species. Consultation for the Endangered Species Act is not required for "no effect" determinations. Therefore, consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to review the effects of this project on threatened, endangered and candidate species is not required. The BE is included in the project record. Since the analysis determined there would be "no effect", I have determined that no significant effects are expected to occur to federally listed threatened and endangered species as a result of implementation of the Selected Alternative.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson–Stevens Fishery Conservation and Management Act mandates that agencies initiate consultation with the National Marine Fisheries Service (NMFS) for any activities that could affect essential fish habitat (EFH). Essential Fish Habitat has been broadly defined by Congress for federally managed species to be "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." The EFH determination in the EA (pp.15-

16) found that the Selected Alternative will have "no adverse effect" on EFH. Formal consultation with NMFS is not required with "no adverse effect" findings. Therefore, it is my determination that implementing the Selected Alternative, including the applicable Forest Plan direction, BMPs, and project design features makes it unlikely that any significant adverse effects will occur to Essential Fish Habitat.

Marine Mammal Protection Act of 1972

Activities in the Selected Alternative will have "no affect" marine mammals (Wildlife BE). Marine mammal viewing guidelines administered by the NMFS and enforced by the Coast Guard are sufficient for their protection. Contractors, purchasers, and employees will be required to follow provisions on marine wildlife guidelines, including special prohibitions on approaching humpback whales in Alaska as defined in 50 CFR 224.103. Therefore, I have determined that no significant impacts to marine mammals are expected to occur from this decision.

National Forest Management Act (NFMA) of 1976 (as amended)

The National Forest Management Act (NFMA) requires specific determinations in the Decision Notice: consistency with existing Forest Plan, a determination of clearcutting as the optimal method of harvesting, if used, and specific authorizations to create openings over 100 acres in size. Information and rationale used to develop unit prescriptions are summarized in the Forest Vegetation section of the EA (pp. 8-10), and can be found in the detailed prescription in the project record. Application of Forest Plan direction for the Vallenar Young-growth Project ensures consistency at the project level.

Tongass Timber Reform Act (TTRA) of 1990

Timber harvested as a result of the Selected Alternative will provide part of the timber supply to the Tongass National Forest's timber program, as stated in Section 101 of TTRA "... the Secretary shall, to the extent consistent with providing for the multiple use and sustained yield of all renewable forest resources, seek to provide a supply of timber from the Tongass National Forest which (1) meets the annual market demand for timber from such forest and (2) meets the annual market demand from such forest for each planning cycle." Additionally, the design and implementation direction in the EA incorporates best management practices (BMPs), and Forest Plan direction (standards and guidelines) for the protection of all stream classes. Therefore, I have determined this project complies with the Tongass Timber Reform Act (TTRA).

Executive Order 12898 (Environmental Justice)

The effects of the Selected Alternative are not expected to have a disproportionately high or adverse effect on the health or well-being of the minority or low-income populations that use the project area. There are no foreseeable projects within the area of analysis that are expected cause a disproportionately high and adverse human health or environmental effect on any minority or low- income population.

Executive Order 12962 (Aquatic Systems, Recreational Fisheries)

The Selected Alternative minimizes the effects on aquatic systems through project design, application of standards and guidelines, BMPs, and site-specific mitigation measures. In the Selected Alternative, recreational fishing opportunities would remain essentially the same as the current condition because aquatic habitats are protected through implementation of BMPs and riparian buffers. Therefore, I find that no significant impacts to recreational fisheries would result from implementation of the Selected Alternative.

Executive Order 13112 (Invasive Species)

An invasive plant risk assessment was completed for this project which determined project activities are not expected to significantly increase the distribution of weeds within the project area (EA p. 10). Therefore, I find that this project will not result in significant impacts from invasive species introduction or spread in the project area.

Executive Order 13175 (Consultation and Coordination with Tribal Governments)

Throughout the planning processes for the Vallenar Young-growth Project, Tribal governments were informed and provided an opportunity for formal consultation. Discussions are recorded in the project record and Public Involvement and scoping section of this Decision Notice. Tribal consultation does not imply Tribal endorsement for the Selected Alternative.

Executive Order 13186 (Migratory Birds)

The migratory species that may stay in the area utilize most, if not all, of the habitats described in the analysis for breeding, nesting, and raising their young. The effects on these habitats were analyzed for this project. The Selected Alternative will not have a significant direct, indirect, or cumulative effect on any migratory bird species in the project area (Wildlife BE). There may be direct moderate effects on individuals or small groups and their nests from the harvest of timber, or the disturbance caused by harvest-related activities.

Implementation

The project can be implemented immediately upon my signing of this Decision Notice pursuant to 36 CFR 218.12.

Contact Information

For additional information concerning this decision, contact: Damien Zona, Team Leader. Ketchikan Misty Fjords Ranger District 3031 Tongass Avenue. Ketchikan Alaska, 99901, dzona@fs.fed.us.

Sincerely,

SUSAN A. HOWLE
District Ranger
Ketchikan Misty Fjords Ranger District
Tongass National Forest

5/24/2018
Date

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