



DECISION MEMORANDUM FOR THOMAS L. TIDWELL, CHIEF

THROUGH: Leslie A. C. Weldon *for Emilio P. Best 6/20/16*  
 Deputy Chief, National Forest System *12/2/16*

FROM: Chris French *for*  
 Director, Ecosystem Management Coordination

SUBJECT: Re-delegation of Authority, Sweetheart Lake Hydroelectric Project

FILE CODE: 1230

ISSUE:

Re-delegate authority to the Forest Supervisor, Tongass National Forest, Region 10, to make a National Environmental Policy Act based decision on the Sweetheart Lake Hydroelectric Project.

BACKGROUND:

The referenced activity falls under the Chief's review process of May 31, 2012.

The Tongass National Forest is seeking authority to issue a special use authorization to Juneau Hydropower, Inc. for the use and occupancy of National Forest System lands, including 2,054 acres within the 661,162-acre Taku-Snettisham Inventoried Roadless Area (IRA). The Forest has determined that the Federal Energy Regulatory Commission's (FERC's) Final Environmental Impact Statement adequately disclosed the project's effects to National Forest System lands and resources. The Final Environmental Impact Statement incorporated the terms and conditions submitted by the Forest for their protection as required under Section 4(e) of the Federal Power Act.

The Sweetheart Lake Hydroelectric Project includes construction of a 4400-foot access road for vehicle access between the powerhouse and a dock/landing site; a 580-foot section of this road will cross the IRA. This activity is consistent with the Roadless Rule's exception at 36 CFR 294.12(b)(3), which provides for road construction that is provided for by statute or treaty. Section 4(e) of the Federal Power Act allows the Forest Service to develop conditions necessary to protect NFS lands so long as those conditions do not constitute a veto and thereby usurp FERC's role in deciding to license a hydropower facility.

In addition to the access road, the project proposes construction in the IRA of a concrete dam, powerhouse, and associated infrastructure, which includes installation of approximately 15,400-foot segment of transmission line. Construction of the dam would raise the water level of Lower Sweetheart Lake by approximately 85 feet, inundating roughly 442 acres.



Trees would be cut during the course of project construction and transmission line installation. Trees may also be cut in areas that would be inundated after the dam was constructed. A timber settlement contract would be required to account for this removal. This is consistent with the Roadless Rule's exception for timber removal under 36 CFR 294.13(b)(2), as it is incidental to the construction of the dam, powerhouse, transmission lines, and associated infrastructure.

The Forest Supervisor has requested approval to make this decision.

OPTIONS:

1. Re-delegate authority to the Forest Supervisor, Tongass National Forest, to approve the road construction and timber cutting proposed in the Sweetheart Lake Hydroelectric Project.
2. Deny re-delegation.

RECOMMENDATION:

I recommend the Chief re-delegate authority to the Forest Supervisor to approve the road construction and timber cutting as proposed in the Sweetheart Lake Hydroelectric Project. The agency has done everything it can to preserve the roadless area; however, this project should go forward because:

- It is consistent with the Roadless Rule at 36 CFR 294.12(b)(3), which allows for road construction if it is needed or provided for by statute or treaty. The proposed access road is needed for vehicle access between the powerhouse and a dock/landing site, which will be licensed by the Federal Energy Regulatory Commission under the Federal Power Act. The Forest has provided terms and conditions to minimize impacts from project activities.
- It is consistent with the Roadless Rule at 36 CFR 294.13(b)(2), which allows the cutting of timber if it is incidental to the implementation of a management activity not otherwise prohibited by the rule. Cutting merchantable timber within the project area is incidental to the construction of the road, dam, powerhouse, transmission lines, and associated infrastructure.

DECISION BY THE CHIEF:

Approve Thomas L. Tidwell

Date 12/12/16

Disapprove \_\_\_\_\_

Discuss with me \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Enclosures