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Forest Service

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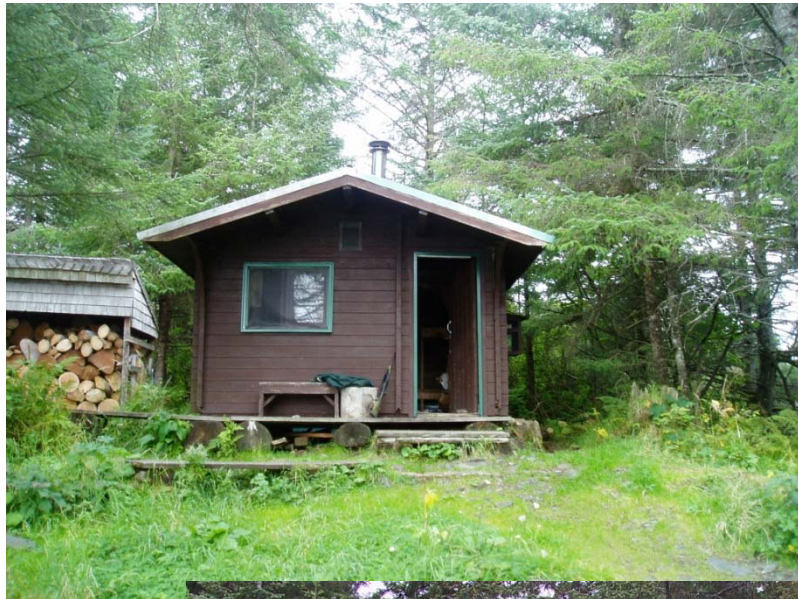


White Sulphur Springs Cabin, Bathhouse, and Trail

Decision Notice and Finding of No Significant Impact

Volume B, Decision Notice/FONSI

Tongass National Forest
Ketchikan, Alaska



White Sulphur Springs Cabin, Bathhouse, and Trail Environmental Assessment - Key Acronyms and Other Terms

ACMP	Alaska Coastal Management Plan	NAGPRA	Native American Graves Protection and Repatriation Act
ADF&G	Alaska Department of Fish and Game	NEPA	National Environmental Policy Act
AIRFA	American Indian Religious Freedom Act	NFS	National Forest System
ANCSA	Alaska Native Claims Settlement Act	NHPA	National Historic Preservation Act
ANILCA	Alaska National Interest Lands Conservation Act	NMFS	National Marine Fisheries Service
BMP	Best Management Practices	NOAA	National Oceanic and Atmospheric Administration
CEQ	Council on Environmental Quality	ROS	Recreation Opportunity Spectrum
CFR	Code of Federal Regulations	SD	Service Day
CZMA	Coastal Zone Management Act	SHPO	State Historic Preservation Officer
DN	Decision Notice	SOPA	Schedule of Proposed Actions
EA	Environmental Assessment	SUA	Special Use Authorization
ESA	Endangered Species Act	TE	Threatened and Endangered
FONSI	Finding of No Significant Impact	Forest Plan	Tongass Land and Resource Management Plan
FSH	Forest Service Handbook	TTRA	Tongass Timber Reform Act
FSM	Forest Service Manual	USFWS	United States Fish and Wildlife Service
IDT	Interdisciplinary Team	VCU	Value Comparison Unit
LUD	Land Use Designation		

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Front Cover: Left - 2004 Photo of White Sulphur Springs Cabin. Right – 2007 Photo of White Sulphur Springs Bathhouse.

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**DECISION NOTICE
FINDING OF NO SIGNIFICANT IMPACT**

**USDA FOREST SERVICE
TONGASS NATIONAL FOREST
SITKA RANGER DISTRICT**

WHITE SULPHUR SPRINGS CABIN, BATHHOUSE, and TRAIL

Introduction

The bathhouse, cabin, and trail at White Sulphur Springs have structurally deteriorated enough to need substantial construction work to remain usable. The cabin and bathhouse receive regular maintenance; however harsh conditions and age have taken a toll on both structures. The project site is located in the West Chichagof-Yakobi Wilderness Area. It is about 65 miles northwest of Sitka, Alaska, on northwestern Chichagof Island and is accessible by boat. The community of Pelican is 23 miles to the northeast.

The cabin is rented, on the average, 86 nights per year. As much as 50 percent of the renters are from southeast Alaska. White Sulphur is the 9th highest use cabin out of 25 cabins on Sitka Ranger District. The bathhouse at White Sulphur is used by people renting the cabin, fishermen, kayakers, campers, and boaters from Pelican and other locations visiting for a bath. Approximately 82 guided clients use the bathhouse per year. Unguided day use numbers of the area are anecdotal and estimated at 6 parties per week during the summer months. An estimated 900 people per year use the bathhouse. During calm weather bathers may beach their boats close to the bathhouse; otherwise they anchor at Mirror Harbor and hike the one-mile trail to the cabin and bathhouse site.

This Decision Notice contains a brief summary of the environmental analysis completed for this project as well as my decision regarding which alternative to implement and the rationale for my decision. It also contains certain Findings required by various laws, and information concerning the right to Administrative Review of this decision. The Environmental Assessment completed for this project is incorporated by reference in this decision document.

DECISION

After consideration of public input, the recommendations of resource specialists, and the applicable laws and regulations, it is my decision to select Alternative 2 (now called the Selected Alternative) for implementation including all project design elements, mitigation, and monitoring described in the EA. See Figures 1, 2, and 3 for project location.

Bathhouse

The existing bathhouse walls, roof, and holding tank will be removed, creating an outdoor soaking pool. The exposed face of the existing concrete pool will be faced with stone to provide a natural appearance. Stone or wood decking will be built around the pool for access.

A mortared 2 foot by 2 foot stone basin/holding tank for the warm springs source will direct spring water over a cascade of boulders into the soaking pool. This system will serve to stop the flow of warm water into the soaking pool to allow cooling of the pool and draining it for maintenance.

Cabin

The existing cabin, outhouse, and woodshed will be removed. A new cabin will be constructed rotated and moved slightly (30 feet or less) uphill from the current location to provide additional privacy for cabin users.

The replacement cabin will be a 1-story Alaska Region standard design 15' x 17' "Pan Abode" style structure, with a six person capacity (two single and two double bunk beds); this is the smallest available standard design certified by the Alaska Regional Office. The cabin will be larger than the existing 12' x 14' cabin; the extra space is required to make it an Architectural Barriers Act (ABA) accessible structure. The profile of the cabin and pitch of the roof will be equivalent to the existing cabin. Two wood framed, tempered glass skylights will be installed to provide light to the interior. Floor and roof insulation would be installed to reduce the amount of fuel needed to heat the structure.

The woodshed will be reconstructed between the warm spring and the cabin to provide screening and a place to keep clothes dry for pool users.

The outhouse will be reconstructed.

Trail

Thirty feet or less of new trail will be added to access the new cabin.

Trail reconstruction in the Selected Alternative will use local native materials such as Alaska yellow cedar, mineral soil or gravel/rock from above mean high tide where possible depending on availability onsite. Construction style will include corduroy or puncheon. The resulting trail will contain no boardwalk.

Connected Actions:

- While use of local native materials onsite is preferred, wood, stone, and/or gravel from a commercial source in SE Alaska may be boated into the site for trail surfacing, soaking pool facing, and to construct the holding tank.
- Approximately 12 cubic yards of generally boulder-size stone will be removed from above mean high tide at four locations along the shoreline of Bertha Bay, just south and southeast of White Sulphur Springs for site construction. Angular stone will be used for stone steps, open drains, and site rehabilitation. Large rounded stone from the beach immediately in front of the bathhouse will be used to create the stone basin in the bathhouse. Local material is proposed for use due

Figure 1: Selected Alternative – Vicinity

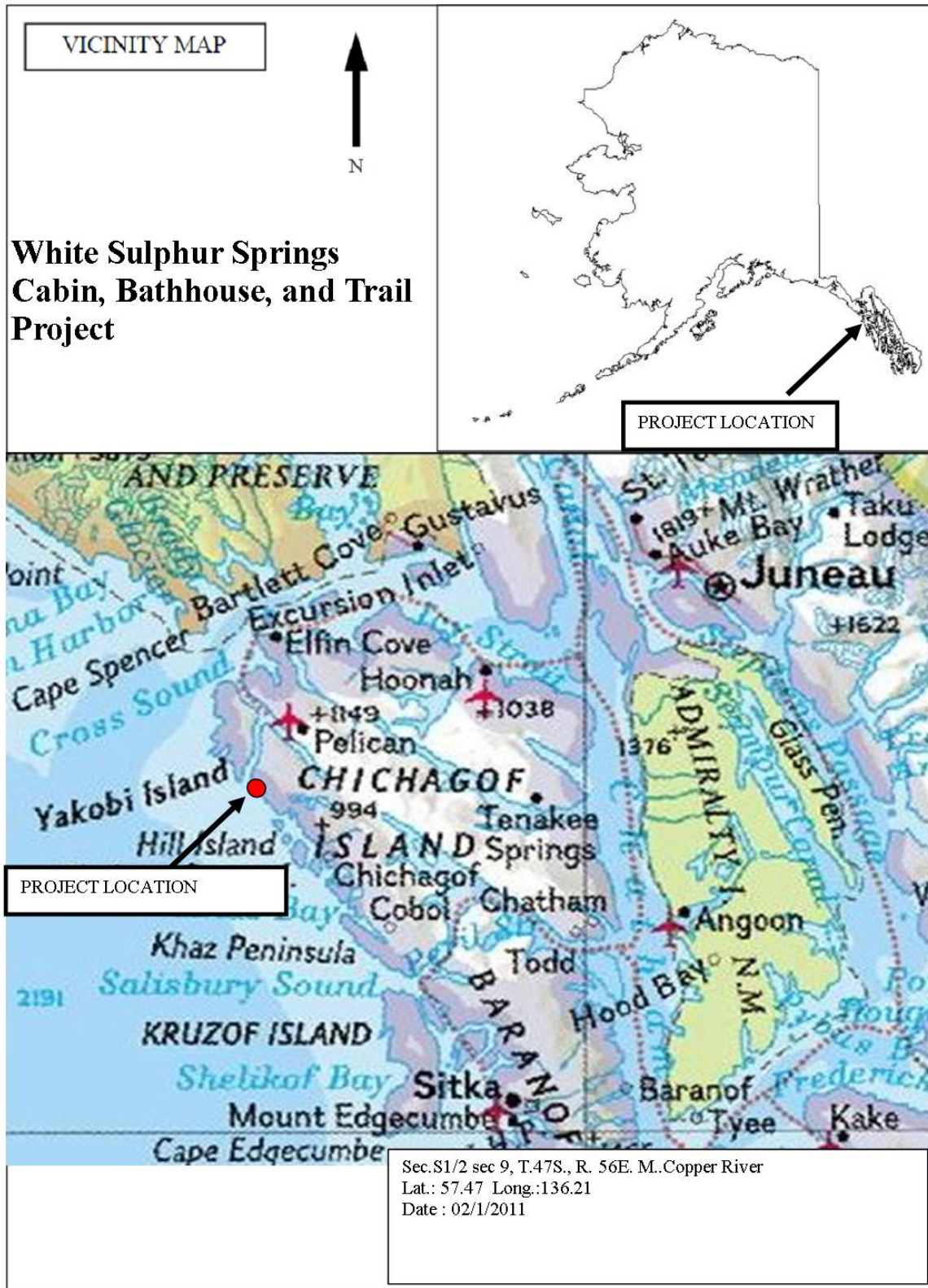


Figure 2: Selected Alternative – Site Design

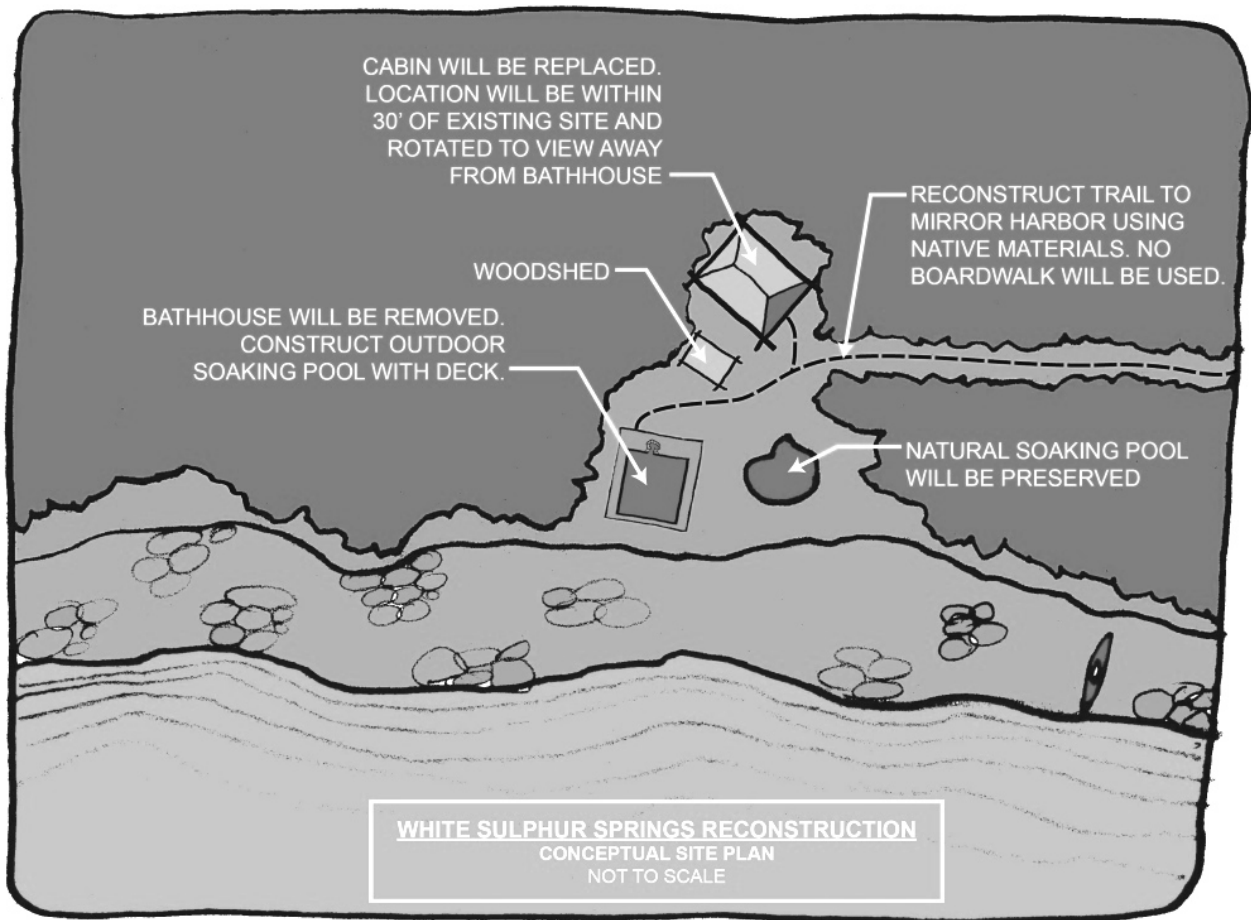
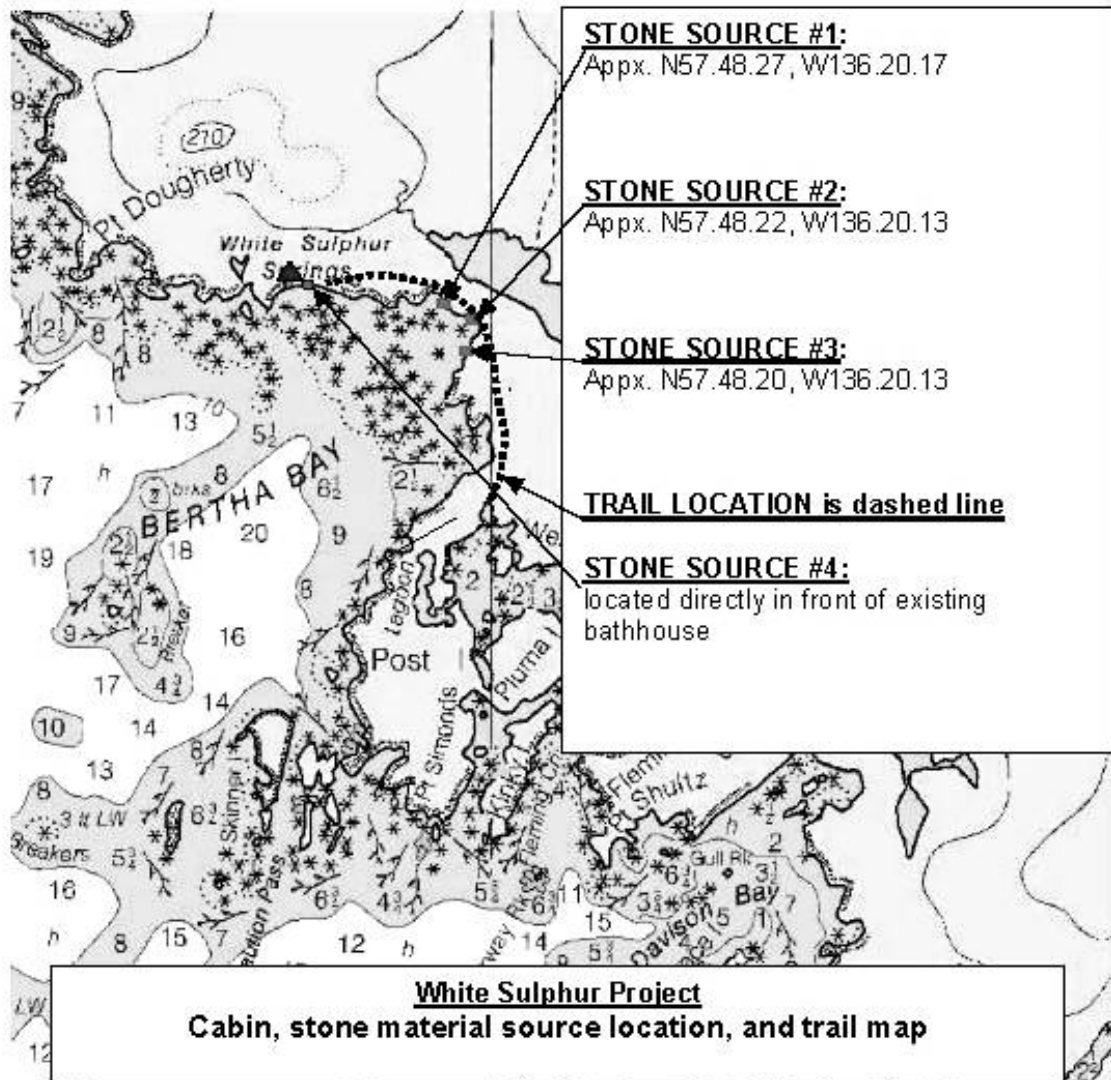


Figure 3: Selected Alternative – Rock Sources, Cabin, and Trail Location



▲ Selected Alternative Cabin Location

to its natural appearance and abundance near the project area. If inadequate amounts are available above mean high tide, stone will be acquired from a commercial source.

- Yellow cedar trees up to 500 feet from the trail may be cut and used for corduroy or puncheon. Sound standing dead trees would be selected wherever possible.
- Only traditional tools will be used in the project. Hand tools and other non-motorized tools will be used for all demolition and construction activities.

Design Elements and Mitigation Measures: The following Mitigation Measures and Project Design Elements (from the Alternatives section of the EA) will be implemented as part of this decision.

- Rock and gravel acquired from a commercial source will be provided that are free of viable invasive plant seeds. Equipment and tools used for construction will be cleaned to avoid contamination by invasive plant seeds or parts. Only aggregate from an active stockpile that is located in a weed/seed-free zone will be used. Notification one week before moving material from the stockpile will be provided to the Forest Service to allow for inspection for weeds.
- Mitigation measures for the White Sulphur Springs Cabin and Bathhouse will be used to compensate for the adverse effects caused by the project: The Sitka Ranger District has identified four 1960-1971 historic period cabins (two pan-abode, two A-frame designs) that the Tongass intends on retaining into the foreseeable future (as identified in a letter to the State Historic Preservation Officer by the Regional Forester). Site-specifically, photo documentation prior to demolition of the cabin, bathhouse and holding tank, including all elevations and associated features will also occur. Additionally, a portion of the existing carved bathhouse wall will be re-used in the construction of the new woodshed wall between the pool and the cabin.
- Best Management Practices (BMPs) are required for implementation in all action alternatives to prevent soil erosion and maintain soil quality (FSH 2509.22). The following applicable BMPs are further described in the EA and Soils and Wetland Resource report for this project: 12.5, 12.8, 12.17, 14.2, 14.3, 14.5, 14.6, 14.9, 14.18, 16.1, and 16.4.
- The existing outdoor pool will remain as is in all alternatives.
- Water temperature regulation in the tub will occur through a method to divert water from entering the tub, similar to the existing plumbing.
- An additional botany survey before construction begins is recommended to alleviate concerns related to newly listed sensitive plant species.
- *Piperia unalascensis*, slender-spire orchids sometimes grow at the base of cedar trees. Cutting trees to the ground is not recommended. This type of ground disturbance could damage or destroy these plants if they are present. Cover cut stumps with moss.

- All structures shall be built of materials which blend and are compatible with the immediate and surrounding wilderness landscape. Building materials are expected to include yellow and red cedar, and stone typically found on the site.
- Stone will only be removed from Federal lands only.
- All equipment, materials, and tools that come into contact with aggregate or used at the work site will be thoroughly washed before coming to the area (at a site where weed spread is not a concern) to remove all soil, debris, and other material that could contain weed seed or weed parts.
- Forest Service personnel and contractors will be made aware of the risks that activities cause for introduction and spread of invasive plants. During construction the clover patch in front of the cabin will be covered with tarps or roped off to help prevent weed seeds or contaminated soil from being transported to the trail or new cabin site. Dandelion plants in the project area will be dug up and disposed of to prevent seed production. The purple foxglove plants should be carefully dug up and handled with gloves (foxglove is toxic) and disposed of to prevent seed production.
- Do not block streams or impede drainage with waste material from construction.
- Minimize traffic across any wetlands outside of the construction area as the soils there are easily rutted.
- Trail width will be kept to 24 inches or less.
- When excavating borrow material or harvesting cedar for trail reconstruction, use only areas cleared by archaeologists, botanist, and soil scientist.
- Any bared soil from any phase of construction or borrow source should be rehabilitated with stockpiled topsoil or duff. Large areas (generally over 100 square feet) of bared mineral soil, especially areas adjacent to streams, should be seeded or replanted. Plants native to the area originating near the project will be used for any restoration of revegetation work.
- Borrow sources should be as small as possible while still meeting project needs. If possible, make several small borrow pits rather than one large one. Flatten any steep banks of borrow areas when completed.
- Avoid storing any material in wetlands. Stipulations required in the Army Corps of Engineers permit will be met.
- If unanticipated discoveries of cultural resources or items protected by the Native American Graves Protection and Repatriation Act are discovered during implementation, work should cease in the immediate vicinity, and the Contracting Officer's Representative or Technical Representative will be notified and in turn notify Sitka District Archaeologist. The Sitka Ranger District in consultation with the appropriate Federally Recognized Tribe and the State Historic Preservation Office will determine a course of action.

- If any previously undiscovered endangered, threatened or sensitive species or key habitat for Management Indicator Species (MIS) are encountered at any point in time prior to or during the implementation of this project, a district biologist will be consulted and appropriate measures will be enacted.
- If a goshawk nest is identified in the analysis area, a district biologist must be contacted. The Forest Plan directs for the development of a nest buffer and stopping of any continuous disturbance likely to result in nest abandonment within 600 feet of the active nest from March 15-August 15. Forest Plan standards and guidelines will be applied.
- The cabin and bathhouse will likely be closed during structural work; the trail may be closed at times for safety. Individuals working on the structures may use the cabin or they may camp in the vicinity during activities.

The EA provides additional information about the Selected Alternative and related monitoring.

RATIONALE FOR THE DECISION

This was a challenging decision to make due its potential to affect those who enjoy using the area, potential effects on wilderness, and the ambiguity of the laws and policy involved in this area's management, particularly those that pertain to structures. I recognized the lack of clarity within our laws and regulations and the conflict between desired use of this wilderness site and the prescribed management of wilderness.

The purpose of this project is to update facilities to address safety and deferred maintenance concerns at the White Sulphur site using the minimum tool approach as directed by the Wilderness Act of 1964 (Wilderness Act), the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), the Tongass National Forest Land and Resource Management Plan (Forest Plan, USDA Forest Service 2008), and other Forest Service direction. The laws that help the Forest Service manage this area (namely the Wilderness Act and ANILCA) are difficult to interpret regarding the White Sulphur Springs bathhouse. In the end, I recognized that this project represented a rare opportunity to allow for enjoyment of the cabin and warm springs at White Sulphur while still reducing development in our Tongass National Forest wilderness areas. The other limited development that is there, namely the cabin, the outhouse, and the woodshed, is appropriate and necessary under ANILCA provisions. The bathhouse is a convenience. By removing the bathhouse we are enhancing the "Undeveloped" quality of wilderness character. While I believe I have the discretion to replace the bathhouse (under ANILCA), I am choosing to take action to enhance the wilderness character of this area-an opportunity that arises infrequently. With this decision I am asking the public to consider how important our wilderness resource is and appreciate the positive change we are making with this action. By removing this one structure we will be making a modest but important enhancement of the quality of wilderness at this site.

I also recognize the conflicting nature between desired use and management of the Wilderness Resource. Many people voiced concerns on both sides of nearly every issue related to the project. Some of these concerns relate to how people have historically used

the area, and many of these concerns have implications related to the management of wilderness. I have sought to balance these conflicting concerns in choosing the Selected Alternative.

I chose the Selected Alternative because it is responsive to concerns about the effects of the bathhouse on wilderness and wilderness character while still providing the opportunity to use the warm springs at White Sulphur. The comfort and convenience that the existing bathhouse and amenities provide are contrary to wilderness values. Removal of the bathhouse moves the site to a more undeveloped state and improves upon the primitive and unconfined qualities. It also improves the scenic integrity of the area. We hope that maintaining and enhancing the existing concrete soaking tub and turning it into a more natural-looking outdoor pool will allow people to continue to enjoy the warm springs, but in a more primitive and wild setting.

I also chose the Selected Alternative because it addresses people's concerns about cabin location and screening from the warm springs. The location and orientation of the cabin and woodshed will be moved slightly from their existing location to provide slightly more separation and screening between the cabin, trail, and spring. The new location will still provide the convenience of a nearby location for moving elders and those with mobility issues between the cabin and the springs. Moving the cabin slightly allowed us to make minor improvements to solitude while also minimizing effects to those with accessibility concerns and minimizing the amount of new trail construction.

The change in cabin location is part of the reason I chose to replace the cabin rather than reconstructing the existing cabin. Reconstructing the cabin in place (by elevating the main structural elements of the cabin, making repairs, and putting the structure back down) was feasible with traditional tools both in terms of structural and human capacity. Moving the existing cabin to a new location (either piece by piece or in whole) was not considered feasible nor desirable given the age and condition of the structure, the strong possibility that it is spiked together (making it nearly impossible to take apart without destroying the timbers), the work required to move it, and its lack of ABA accessibility.

With the change in location, the resulting need to replace the cabin, and direction to move towards better accessibility, we will be replacing the existing cabin with a slightly larger cabin. The new cabin will be the smallest available standard design certified by the Alaska Regional Office. The larger size allows the new design to be ABA accessible, which provides better opportunities for cabin use by a larger segment of the population, including many people already known to use the area. While the larger size and new footprint of the cabin are not desirable for wilderness, the replacement of the cabin does provide opportunities to improve the site for all users.

A Minimum Requirements Decision Guide (MRDG) analysis was used to evaluate whether administrative action is necessary in wilderness, and if it is, what the minimum method or tool is for accomplishing the action. The MRDG concluded that action is necessary to address the deteriorating facilities and trail at the site. It also concluded that traditional tools would be the minimum approach. I am choosing to use traditional tools to implement the Selected Alternative. This may lengthen the amount of time the project takes to implement, but it will provide an opportunity to use traditional skills, enhancing our ability to manage the wilderness without needing to use methods that are prohibited

in the Wilderness Act. Maintaining these traditional skills in the workforce is highly important to the agency.

I chose the trail construction materials and design because they address concerns about effects on wilderness, reduce the need for imported materials, and address concerns about retaining Civilian Conservation Corps (CCC) style construction. Visually, the primarily corduroy or puncheon trail surface would be an improvement over the existing boardwalk because it would reduce the amount of straight lines and milled lumber. Wood fits in with the setting though there would be an increase in manmade structures along the trail. A gravel trail surface was considered, but would have been challenging to transport and install without a helicopter. The Selected Alternative does add a new section of trail for cabin access, which increases the amount of development in the wilderness. Overall, trail reconstruction will likely improve the natural quality of the area by decreasing the overall tread width in wet areas and reducing soil erosion and vegetation impacts along the trail corridor.

I believe the Selected Alternative's Design Elements and Mitigation Measures will provide adequate resource protection or mitigation. For example, for the three sites at White Sulphur that are eligible for listing on the National Register of Historic Places, the district brought these forward to the public in scoping, worked with the proper consulting agencies to mitigate the adverse effects, and analyzed and disclosed effects in the EA. The photos will provide appropriate documentation; the carvings on the woodshed wall will help retain the local fishing culture associated with the bathhouse; and the forest-wide mitigation will provide usable historic cabins from the 1960-1971 historic period.

ISSUES

The following significant issues were used to develop alternatives and were raised during public and agency scoping:

- Moving the cabin to a new location would create an additional area of ground-disturbance in the wilderness and reduce both the convenience and accessibility of the cabin to bathhouse users.
- Using a helicopter to move materials and using mechanized equipment during construction/reconstruction would have a negative effect on wilderness character such as undeveloped and outstanding opportunity for solitude.
- Having a bathhouse in wilderness negatively affects wilderness character such as untrammelled, undeveloped, and outstanding opportunity for primitive recreation. Additionally, reconstructing or replacing a bathhouse in wilderness may not be appropriate in wilderness.
- Replacing the cabin would adversely affect a 1960's era recreation structure and would be more costly than reconstructing it. Replacing or removing the bathhouse would adversely affect a 1960's era recreation structure.
- Using processed materials for trail building such as milled lumber or crushed gravel may not fit within the wilderness character.

ALTERNATIVES CONSIDERED

Table 1 – Summary of Alternatives. A more detail description is found in the EA

Alternative	Description
1 Proposed	Replace bathhouse and cabin, move cabin 100 feet, reconstruct trail with gravel and suitable existing boardwalk using helicopter and motorized equipment
2 Selected	Remove bathhouse and replace with outdoor pool, replace cabin within 30 feet or less and rotate, replace woodshed and move between cabin and outdoor pool, and reconstruct trail using native materials; no motorized equipment will be used in implementation.
3	Replace bathhouse, replace cabin in current location, reconstruct trail with native material and suitable existing, no motorized equipment or helicopter
4	Replace bathhouse, reconstruct existing cabin, reconstruct trail with native material and suitable existing, no motorized equipment or helicopter
5 (No Action)	Complete deferred maintenance as funding allows. Facilities are expected to be removed when they become safety hazards

PUBLIC INVOLVEMENT

The proposal was first listed in the Tongass National Forest Schedule of Proposed Actions in October of 2007. The proposal was provided to local tribes and tribal corporations, the public, and other agencies in 2007 for comment during scoping. Written communication with Sitka Tribe of Alaska, Sealaska Corporation, Shee Atika Inc., Hoonah Indian Association, Huna Totem Corporation, the Division of Coastal and Ocean Management of the Alaska State Department of Natural Resources, and the City and Borough of Sitka surfaced no concerns for the project at that time. A public service announcement was placed in the Daily Sitka Sentinel, KCAW, and KIFW radio stations to encourage public comment on the proposal. Copies of the scoping letter for this project were sent to individuals and organizations identified from a comprehensive mailing list developed for recreation projects. Copies were also available for distribution at the Sitka District Office.

Additional information and comments gathered since 2007 led the Forest Service to update and adjust the proposed action and provide additional alternatives to the public for consideration. A scoping update letter was sent to 65 individuals, groups, businesses, agencies and tribal entities in November 2010. This letter explained adjustments, additions, and preliminary effects to wilderness character, and asked for additional comment. Affected communities received copies of this letter for public posting.

Additionally, the Sitka Ranger District published a display advertisement informing the public about the project in the Sitka Daily Sentinel on December 10, 2010.

A legal notice of the 30-day comment period for this project was published in the Sitka Daily Sentinel on November 22, 2010. The scoping update letter informed the public that “In an effort to complete this analysis before allocated funding is lost, the 30-day comment period on this proposal will begin soon...” and requested people’s comments by the end of that 30 day comment period. The comment period closed on December 22, 2010.

A legal notice of the 30-day comment period for this project was published in the Ketchikan Daily News on June 17, 2011, the newspaper of record for the Supervisors Office. Forrest Cole, Tongass Forest Supervisor, is the Responsible Official for this project. The comment period closed July 18, 2011. Individuals were informed that if they submitted comments during either comment period they would gain standing for appeal.

Ninety people or organizations sent a diverse array of comments in response to the scoping update letter. Eighty-nine of the comments were received during the first 30-day comment period. No comments were received during the June 2011 comment period. All the alternatives and nearly every component of all alternatives received support and opposition. For example, people were concerned that using a helicopter would negatively affect wilderness character through disturbance while others suggested helicopters would benefit wilderness character by reducing the length of the disturbance. Some comments said the bathhouse was needed for safety; others said it was not needed for safety. Some comments suggested alterations to improve the proposal such as moving the cabin back away from the trail a small distance to provide separation instead of down the coastline 100 feet. Many comments suggested using native/local materials for the trail or cabin. Many comments suggested removing the bathhouse and returning the spring area to its natural condition while other comments suggested removing both buildings. Others stated that the bathhouse pre-dated the Wilderness designation and suggested that should be a reason for rebuilding the bathhouse. Some comments suggested reconstructing or replacing the bathhouse as is (replacing it in-kind). These comments are addressed in the environmental analysis.

A news article about the White Sulphur project was published in the Sitka Daily Sentinel on February 25, 2011.

The White Sulphur project has been a topic at monthly Tribal Council meetings with the Sitka Tribe of Alaska and with the Resource Protection Director of the Tribe. No concerns have been expressed.

The EA and Decision Notice will be mailed to those people who responded to scoping as well as other interested people. Copies of the mailing list, scoping letter, and any correspondence received regarding the EA and decision will be available in the project record at the Sitka Ranger District.

Biological Evaluations were completed for sensitive plants and animals. No sensitive species will experience impacts that would cause or contribute to a trend towards federal listing or cause a loss of viability to the population or species.

FINDINGS REQUIRED BY OTHER LAWS

Several of the laws and executive orders listed below require project-specific findings or other disclosures. These apply to federal land management projects and activities.

2008 Tongass Land and Resource Management Plan (Forest Plan) Amendment

All project alternatives fully comply with the 2008 Tongass Forest Plan. This project incorporates all applicable Forest Plan standards and guidelines and management area prescriptions as they apply to the project area and complies with Forest Plan goals and objectives.

The 2008 Forest Plan complies with all resource integration and management requirements of 36 CFR 219 (219.14 through 219.27). Application of Forest Plan direction for the White Sulphur project ensures compliance at the project level.

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. For this reason, the Selected Alternative would not result in a significant possibility of a significant restriction of subsistence use of wildlife, fish, or other foods.

ANILCA Section 811, Access Evaluation and Finding

This action has been evaluated to determine potential effects on reasonable access to subsistence resources on National Forest System Lands. There is no documented or reported access that would be restricted as a result of this decision. For this reason, this action would not result in a significant possibility of a significant restriction of subsistence users having reasonable access to subsistence resources on National Forest System Lands.

Coastal Zone Management Act of 1972, as Amended

Under the Coastal Zone Management Act (CZMA), activities of Federal agencies that affect any land or water use or any natural resource of the coastal zone must be carried out in a manner that is consistent to the maximum extent practicable with the enforceable policies of the State's approved coastal management program. The Alaska Coastal Management Program expired on June 30, 2011, pursuant to State law. Thus, there is no approved coastal management plan for Alaska, and no requirement for a consistency determination or review under the CZMA. The Forest Service will continue to take into consideration the views of State agencies and local communities, however, as part of the NEPA process and other procedures to collaborate with stakeholders.

Endangered Species Act of 1973

A determination of “No Effect” has been made for all threatened, endangered, or ESA candidate species. All project activities would be conducted in a manner consistent with the ESA and regulations. A complete Biological Evaluation (BE) is included in the planning record.

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").

The cabin, bathhouse, and trail have all been found to be eligible to the National Register of Historic Places. We received concurrence on our determinations of eligibility for all sites recorded, with our determination of Adverse Effect for the cabin and bath house portion of this project, and on our determination of no adverse effect for the trail construction portion of this project. Mitigations to negate previously mentioned adverse effect were proposed in the report. The Forest Service has developed a Memorandum of Agreement with the State Historic Preservation Officer (SHPO) which addresses mitigations to negate the adverse affects of this undertaking.

Clean Water Act

The Alaska Department of Environmental Conservation (ADEC) is the lead State agency for promulgating and enforcing water quality regulations under the Clean Water Act. The Clean Water Act recognized the need to control nonpoint source pollution. Section 313 of the Clean Water Act requires the Forest Service to comply with all State requirements for control and abatement of water pollution to the same extent as any nongovernmental entity. The Forest Service is the agency responsible for monitoring and protecting water quality on National Forest System lands in Alaska.

The site-specific application of 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 (2007) and the Memorandum of Agreement between ADEC and the Forest Service, Alaska Region (1992). The BMPs in Forest Service Handbook 2509.22 (Alaska Region Supplement, 2006) are incorporated into the Tongass Forest Plan, and applied site-specifically during project implementation.

Clean Air Act

Emissions anticipated from the implementation of any alternative would be of short duration and are not expected to exceed State of Alaska ambient air quality standards (18 AAC 50).

Executive Order 11593

E.O. 11593 directs Federal agencies to provide leadership in preserving, restoring, and maintaining the historic and cultural environment of the nation. Completion of an archaeological survey and testing at the White Sulphur Springs has been conducted. Sites have been evaluated for eligibility to the National Register of Historic Places. This evaluation has been done in consultation with the Alaska Office of History and Archaeology. Three sites were found to be eligible to the NRHP during inventory. This undertaking will have an adverse affect on those historic properties. The advisory council on Historic Preservation has been invited to participate in the resolution of these adverse affects, and the Forest Service has developed a Memorandum of Agreement with SHPO which addresses mitigations to negate the adverse affects of this undertaking.

Executive Order 11988

No floodplains or riparian areas will be impacted by this project.

Executive Order 11990

This Order requires federal agencies to avoid to the extent possible, the long term and short term adverse impacts associated with the destruction or modification of wetlands. The trail would stay in its current footprint regardless of the construction method. The existing trail crosses both wetlands and uplands. The Selected Alternative fills in 0.15 acre of wetland. Staying within the current footprint minimizes effects to wetlands. The decision meets the requirements for a Nationwide Corps of Engineers permit.

Environmental Justice (E.O. 12898)

Implementation of the Selected Alternative is not anticipated to cause disproportionate adverse human health or environment effects to minority or low income populations. Expected effects are similar to all populations, regardless of nationality, gender, race, or income.

Recreational Fisheries (E.O. 12962)

Federal agencies are required, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities. As required by this Order, I have evaluated the effects of this action on aquatic systems and recreational fisheries and documented those effects relative to the purpose of this order. Since there are no effects to fisheries resources within the project area there will be no direct, indirect or cumulative impacts related to this Order.

Invasive Species (E.O. 13112)

Executive Order 13112 directs Federal agencies whose actions may affect the status of invasive species to insure coordinated, cost-efficient agency actions addressing the prevention, detection, control and monitoring of alien species. "Invasive species" refers to those species that are likely to cause economic or environmental harm, or harm to human health. Actions to be taken include planning at the local, tribal, state, regional, and ecosystem levels, in cooperation with stake holders and organizations addressing invasive

species. Agencies are not to fund or authorize actions that the agency believes are likely to cause or promote the introduction or spread of invasive species, unless the benefits of the action outweigh the potential harm caused by the species.

An invasive plant risk assessment has been completed for this project, findings and recommendations are incorporated into project design and decision. Refer to the “Decision” above and the Invasive Weed Risk Assessment for mitigation measures addressing the management of invasive plants.

Executive Order 13175 (2000) Consultation with Tribal Governments and ANCSA Corporations

Sitka Ranger District sent letters to the Sealaska Corporation, Sitka Tribe of Alaska, and Shee Atika Inc., on October 22, 2007, describing the project and requesting consultation. On November 12, 2010, an update letter about this project was sent to Sealaska Corporation, Sitka Tribe of Alaska, and Shee Atika Inc. as well as to Hoonah Indian Association, Huna Totem Corporation, and the Central Council of the Tlingit and Haida Indian tribes of Alaska. The District Ranger and/or Zone Archaeologist attended Tribal Council meetings in Sitka and highlighted the project requesting feedback on concerns or related issues. No concerns were identified by the Tribes or tribal corporations.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act of 1996 (hereafter referred to as “the Act”) requires consultation with the National Marine Fisheries Service on activities that may adversely affect Essential Fish Habitat (EFH). EFH is defined as “those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity.” EFH for Pacific salmon includes marine waters, intertidal habitats, and freshwater streams accessible to anadromous fish. Marine EFH for the salmon fisheries in Alaska includes all estuarine and marine areas utilized by Pacific salmon of Alaska origin, extending from the influence of tidewater and tidally submerged habitats to the limits of the U.S. exclusive economic zone. The Act promotes the protection of these habitats through review, assessment, and mitigation of activities that may adversely affect these habitats.

The proposed action would have “no adverse effects” on EFH because there are no Class I, II or III streams in the project activity area and the project would not measurably modify fish habitat in or near the project area. This project, including moving rock and other materials from a barge to the site, would not cause erosion or sedimentation which could reduce quality or quantity of fish habitat in the marine environment adjacent to the analysis area. The rock material to be removed would be removed above mean high tide during low tide conditions when the site would be naturally dewatered. The use of small boulders above mean high tide does not require consultation with National Marine Fisheries Service for EFH since the removal of these materials will have “No Adverse Effects” on EFH. The end result is that, while there may be a very limited improvement to drainages in the area, the USDA Forest Service does not anticipate any adverse effects on federally managed fish species due to implementation of this project. No consultation with the National Marine Fisheries Service was required for this project.

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)

Intensity

The intensity of effects was considered in terms of the following:

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.** There will be no significant effects on public health and safety because White Sulphur cabin will remain as a shelter in case of emergency. Few structures are available for emergency use in the West Chichagof-Yakobi Wilderness. A high degree of self reliance, challenge and risk are criteria and conditions used to describe the Semi-Primitive Motorized Recreation Opportunity Spectrum that is designated along the shoreline of this Wilderness. (See EA pages 32-33)
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.** This project does affect historic resources, a federally designated wilderness area, West Chichagof-Yakobi Wilderness Area, and wetlands though mainly in beneficial ways. There will be no significant effects to the unique geographic area of the warm springs or historic resources of the area, however there will be adverse affects as documented in section 8 of these findings. (See EA pages 34-41 and 46-47)
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** Controversy over the effects on the quality of the human environment are likely due to this action; however, because it meets the intent of the Wilderness Act and ANILCA there will be no significant effects. There is no known credible scientific controversy over the impacts of the proposed action.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk.
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.** The action is not likely to establish a precedent for future actions with significant effects, because it meets the intent of the Wilderness Act of 1964 (Wilderness Act), the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), and would not likely establish a precedent to affect this direction.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant.
 8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** There are no significant effects to Districts, sites, highways, objects, or structures as a result of this action, however there is an adverse affect to historic structures that will be mitigated. Two structures within the area of potential affect have been evaluated for eligibility to the National Register of Historic Places (NRHP) and found to be eligible by the Forest Service. The cabin and bathhouse are historic structures built during a period defined as a significant period in the development of recreation uses on the Tongass National Forest. The bathhouse and cabin have been evaluated using the historic context document Everyone’s Cabin in the Woods by Lance (2010). The trail from Mirror Harbor is eligible for the National Register of Historic Places because it’s affiliation with the Civilian Conservation Corps. Concurrence has been received from the Alaska State Historic Preservation Officer (SHPO) concerning determination of eligibility for the sites recorded. Determination of adverse affect for the cabin and bathhouse has been made and a determination of no adverse affect for the trail reconstruction. The Forest Service has developed a Memorandum of Agreement with SHPO which addresses mitigations to negate the adverse affects of this proposed action to these cultural resources. (See EA pages 39-41)
 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 of 1973.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because these species are either not found in the project area or they already avoid the area due to current human presence. The proposed action would have “no adverse effects” on Essential Fish Habitat because there are no Class I, II or III streams in the project activity area and the project would not measurably modify fish habitat in or near the project area. (See EA pages 42-43, 49, and 53-58)
 10. **Whether the action threatens to violate 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 in the EA. The action is consistent with the Tongass National Forest Land and Resource Management Plan.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

IMPLEMENTATION DATE

Implementation of decisions made by the Tongass Forest Supervisor, which are subject to appeal pursuant to 36 CFR part 215, may occur on, but not before, five business days from the close of the appeal filing period. The appeal filing period closes 45 days after publication of legal notice of this decision in the *Ketchikan Daily News* newspaper, published in Ketchikan, Alaska. If appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

RIGHT TO APPEAL OR ADMINISTRATIVE REVIEW

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Individuals or non-federal organizations who submit written comments or otherwise express interest in this particular action during the comment period specified at 215.6 have standing to appeal this decision. The notice of appeal must be in writing, meet the appeal content requirements at 215.14 and be filed with the Appeal Deciding Officer:

Beth Pendleton, Regional Forester
Phone: 907-586-8863 FAX: 907-586-7840
Mailing Address: Regional Office, P.O. Box 21628, Juneau, AK 99802-1628
Street Address: 709 W. 9th Street, Juneau, AK 99801-1807
Email: appeals-alaska-regional-office@fs.fed.us

The Notice of Appeal, including attachments, must be filed (regular mail, fax, e-mail, express delivery or messenger service) with the Appeal Deciding Officer at the correct location within 45 calendar days of publication of notice of this decision in the *Ketchikan Daily News*, the newspaper of record for the Tongass National Forest. The publication date in the newspaper of record is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Appeals submitted electronically, including attachments, must be in an electronic format compatible with Microsoft Word; please include White Sulphur Springs Cabin, Bathhouse, and Trail Project in the subject line.

Hand delivered appeals will be accepted at the Appeal Deciding Officers office at the Regional Office in the Federal Building in Juneau during normal business hours (8:00 am through 4:30 pm) Monday through Friday, excluding holidays.

CONTACT PERSON

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Sitka District Ranger
204 Siginaka Way
Sitka, AK 99835
(907)747-6671



8-10-2011

FORREST COLE

Date

Tongass National Forest Supervisor