

Record of Decision

Traitors Cove Timber Sale

Forest Service, USDA
Ketchikan-Misty Fjords Ranger District
Tongass National Forest
Alaska Region

Project Location

The Traitors Cove project is located on northwest Revillagigedo Island about 20 miles north of Ketchikan, Alaska (see Figure R-1). The area is accessible by boat or small floatplane.

There are three distinct areas, Francis Cove, SW Neets, and Rockfish. Each area has a separate road system and marine access facility (MAF). The Marguerite Bay MAF is located at Marguerite Bay in Traitors Cove and accesses the Francis Cove units. The road system runs west along Traitors Cove and then south along Behm Canal to Indian Point. The Fire Cove MAF is located at Fire Cove in the Neets Bay area and accesses the Rockfish units. The SW Neets MAF is located at the entrance of Neets Bay about half way between Bushy Point Cove and Rockfish Cove, accessing the SW Neets units. See the Selected Alternative map at the end of this chapter.

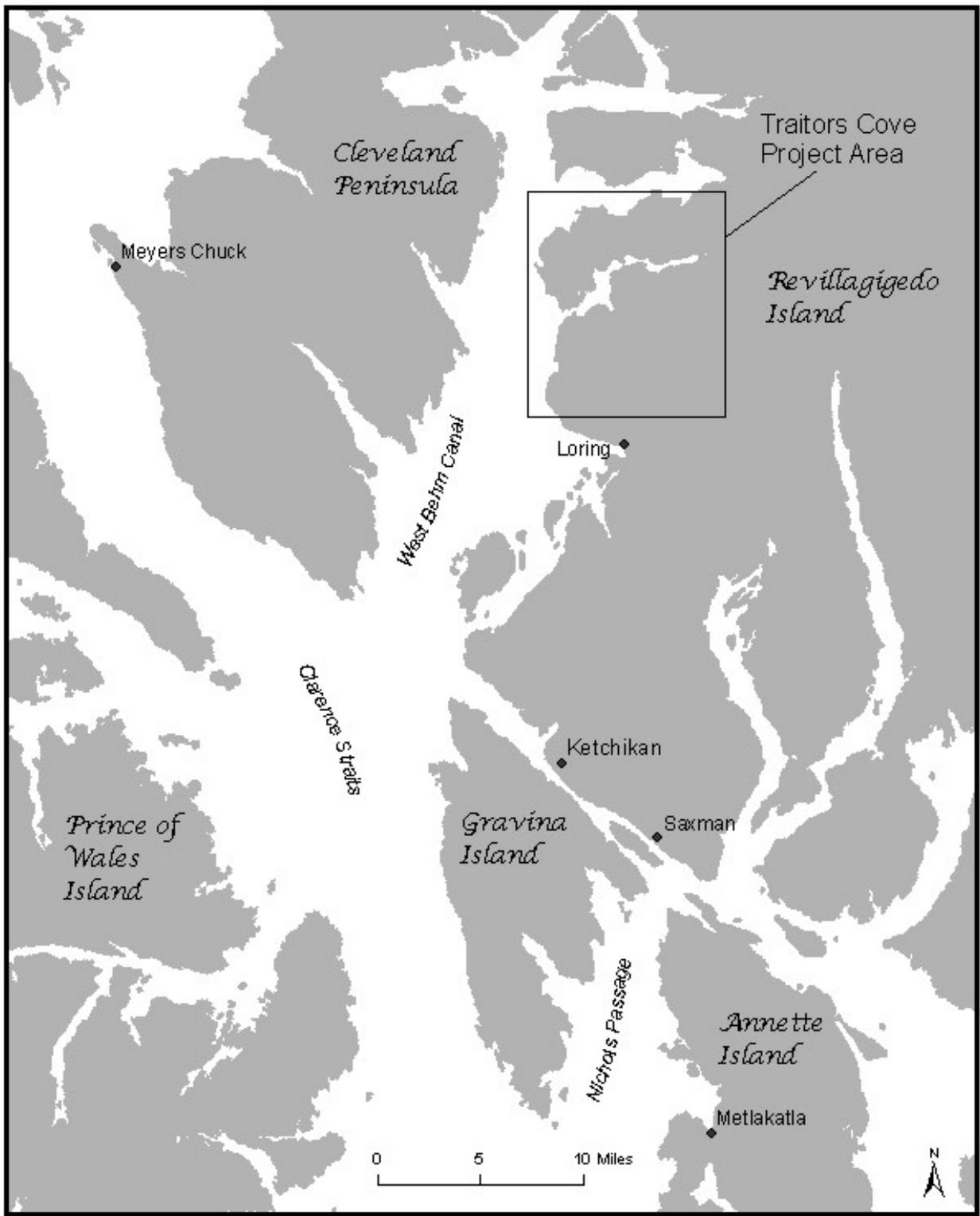
There are three small Old-growth Reserves (OGRs) in the area. They are located in VCUs 7380, 7390 and 7400.

A bear-viewing platform is located near Road 8000000 and is accessed from the Marguerite Bay MAF. Six outfitter/guides use the Margaret Creek Wildlife Observation Site for tours.

There is one parcel of non-National Forest System land within the project. The parcel was conveyed to the State of Alaska. This property is located on both sides of Traitors Cove, adjacent to Virgin Bay on the west side of the cove and Marguerite Bay on the east side.

Record of Decision

Figure R-1
Traitors Cove Timber Sale Vicinity Map



Source: KMRD GIS 2007

Decision

It is my decision to choose a modified version of Alternative 2 as the Selected Alternative, and I authorize the actions necessary to implement my decision. I am modifying the Selected Alternative by dropping Unit S07 because of multiple resource concerns: cultural and traditional uses and a large population of rare *Plantanthera orbiculata* (lesser round-leaf orchid) plants. This is the largest known population of *P.orbiculata* in the State of Alaska.

There are three small Old-growth Reserves in the area. It is my decision to select the interagency biologically preferred option for the small Old-growth Reserve (OGR) in VCU 7400. The boundary adjustment is made through a non-significant amendment to the Forest Plan (Appendix 1). By selecting this option, two Francis Cove units are affected; Unit F39 will not be harvested nor will the west half of Unit F33, west of National Forest System (NFS) Road 8040000.

The small OGR in VCU 7380 was reviewed in the Traitors Cove EIS. At this time, I am deferring the decision. The Forest Plan amendment will determine the location of this small OGR. The deferral of this decision does not affect any of the harvest units.

The small OGR in VCU 7390 was not examined under the Traitors Cove EIS. It was reviewed and modified under the Fire Cove Salvage Decision Notice in 2002.

Description of the Selected Alternative

- The Selected Alternative will harvest approximately 905 acres of commercial forest land to contribute to the Tongass National Forest timber sale program. This harvest provides approximately 17.1 million board feet (MMBF) of sawlog and utility volume. The indicated bid value is negative \$59.88/MBF. Roads and units will be evaluated at appraisal time to produce a positive timber sale contract. Design features of approved harvest units are described in detail on the unit cards in Appendix 2.
- The decision includes both even-aged (827 acres) and two-aged silvicultural systems. This meets the standards and guidelines for Timber Production and Modified Landscape land use designations (LUDs), and meets the project's Purpose and Need by providing timber for market demand. To meet some resource objectives, 78 acres are proposed for two-aged silvicultural systems. The retained existing green trees would be distributed throughout the unit in small groups or islands.
- The Selected Alternative harvests 103 acres using shovel, 686 acres using cable, and 116 acres using helicopter. Helicopter costs are \$716,221.
- The decision includes construction of 7.14 miles of National Forest System road and 1.21 miles of temporary road. New road construction costs are \$1,316,625. All new roads will be placed in storage and temporary roads decommissioned and allowed to return to resource production. Roads are described in detail in Appendix 3. In Traitors Cove, road reconditioning has taken place on 26.8 miles of existing roads at a cost of \$1,127,334. These roads will be maintained by the contractor during the timber sale and then will return to their current objective maintenance level.
- The decision includes the use of three existing marine access facilities designed for barge log transfer, located at Marguerite Bay in Traitors Cove, at Fire Cove in the Neets Bay area, and at SW Neets near the entrance to Neets

Record of Decision

Bay. The three marine access facilities were redesigned and reconstructed to accommodate barge traffic. This was done to eliminate bark, debris and hydrocarbons from entering the marine environment. All logs will be barged.

- Streams will receive buffers that meet standards and guidelines specified by the Forest Plan (pages 4-53-57) and Tongass Timber Reform Act (TTRA). Additional windfirm buffers are added where appropriate.
- No harvest or road construction is proposed in North Revilla Roadless Area 526.

Table R-1
Comparison of Proposed Timber Harvest Objectives and Practices by Alternative, Including the Selected Alternative

Category	Unit of Measure	Alt. 1	Selected Alt.	Alt. 2	Alt. 3	Alt. 4	Alt. 5
Purpose and Need:							
Harvest Volume	MMBF	0	17.1	18.3	8.3	7.3	13.9
Direct Employment ¹	annualized jobs	0	82	87	40	35	67
Activities:							
Silvicultural System:							
Even-aged	acres	0	827	895	383	357	682
Two-aged	acres	0	78	78	53	21	53
Harvest System:							
Shovel	acres	0	103	103	65	79	73
Cable	acres	0	686	754	294	299	546
Helicopter	acres	0	116	116	77	0	116
Road Construction:							
NFS road ²	miles	0	7.14	7.55	2.76	0	4.73
Temporary road	miles	0	1.21	1.34	.70	0	1.20

¹ NEAT 3Q2005 minus Alaska yellow cedar processing jobs

² National Forest System (NFS) roads

Source: KMRD GIS 2005

Reasons for the Decision

In making my decision, I carefully considered the issues and concerns raised during scoping, the subsistence hearing, and comments on the Draft EIS. I considered Forest Plan direction relevant to this project and the competing interests and values of the public. I considered all viewpoints and incorporated them where feasible and consistent with the Purpose and Need of the project.

I evaluated the trade-off between resource protection, social values, and timber sale economics. The Selected Alternative provides a beneficial mix of resources for the public, within a framework of existing laws, regulations, policies, public needs and desires, and the capabilities of the land, while meeting the stated Purpose and Need for this project.

My decision to implement the Selected Alternative conforms to the Forest Plan and National Forest management. I considered both the project's Purpose and Need and the issues when reaching my decision.

- I considered the need to manage this timber resource in order to produce saw timber and other wood products on a sustained yield and economical basis. The Selected Alternative implements Forest Plan direction for Timber Production and Modified Landscape LUDs.
- I considered the need to help provide an even flow of timber to meet annual and Forest Plan planning cycle market demand. The Selected Alternative provides about 17.1 MMBF toward meeting annual market demand.
- I considered the need to provide diverse opportunities for natural resource employment and to contribute to local and regional economies. The Selected Alternative estimates 82 annualized jobs of employment opportunities and 17.1 MMBF of wood products to support local and regional economies.
- I considered the cumulative effects of past timber harvest projects on wildlife through loss of productive old growth and connectivity. While there are losses to these resources, the Selected Alternative meets Forest Plan direction for Timber Production land use designations. The retention of Unit S07 helps maintain the high volume-interior coarse canopy used by management indicator species, the large 500+ acre patch size reducing fragmentation, and low-elevation south and west facing slopes (prime winter habitat) valuable for deer in that area. Table R-2 compares the Selected Alternative with the other alternatives considered in detail.
- I considered the economic effects of helicopter logging and road construction. Timber sales cannot be offered if they are deficit. Less-economical units may be deferred from harvest or included as timber subject to agreement (optional) at the time of sale.
- I considered the effects of timber harvest and road construction on traditional gathering and hunting. The Selected Alternative will protect the cultural and traditional use of Unit S07.

My decision to implement the Selected Alternative considered the concerns raised in the EIS.

- I considered the cumulative effects to the condition of the watersheds. Implementing the Selected Alternative will cause 16 of 19 watersheds to exceed 20 percent harvest within 30 years, a threshold of concern identified in the Final EIS. These watersheds are dominated by contained channel types, which are less susceptible and more resilient to disruptions caused by timber harvest. The Traitors project watersheds are also generalized as poor for quantity and quality of fish habitat, due in large part to high-gradient contained channels and frequent barriers. The cumulative impacts to watersheds identified in the Final EIS were heavily influenced by riparian harvest and past logging practices. The Selected Alternative will not have the same impacts to watershed health due to the implementation of RMA buffers and BMPs, and is consistent with the Forest Plan.
- I considered the presence of rare plants. Unit S07 will not be harvested, thus protecting the largest known population of *Platanthera orbiculata* in Alaska.

Record of Decision

- I considered the effects to culturally modified trees (CMTs). The CMTs in Unit S07 serve as clan boundaries for local Alaska Natives. Unit S07 will not be harvested and the CMTs will be retained.
- I considered the effects to scenery. Unit design, harvest prescriptions, and mitigations minimize effects to viewsheds.

Table R-2
Comparison of Issues and Resource Concerns by Alternative, Including the Selected Alternative

Category	Alt. 1 ¹	Selected Alt.	Alt. 2	Alt. 3	Alt. 4	Alt. 5
Significant Issues:						
<i>Issue 1: Cumulative Effects on Wildlife Habitat</i>						
POG remaining, acres	15,686	14,781	14,713	15,250	15,308	14,951
cumulative reduction, %	37%	41%	41%	39%	39%	40%
High-vol POG >1,500 feet, acres	5,839	5,565	5,537	5,726	5,763	5,626
cumulative reduction, %	61%	63%	63%	62%	61%	62%
Interior habitat, acres	2,940	2,770	2,684	2,884	2,879	2,820
cumulative reduction, %	81%	82%	82%	81%	81%	81%
Connectivity: # of local elevational migration corridors impacted	0 of 24	17 of 24	17 of 24	9 of 24	14 of 24	14 of 24
<i>Issue 2: Economics</i>						
Road cost \$	0	\$1,316,625	\$1,403,025	\$531,500	\$41,450	\$935,525
Helicopter cost \$	0	\$716,221	\$716,221	\$442,750	0	\$716,221
Indicated bid \$/MBF	0	(-\$59.88)	(-\$58.60)	(-\$55.10)	\$34.84	(-\$54.00)
<i>Issue 3: Cultural and Traditional Use</i>						
Harvested acres of concern	0	185	238	5	53	0
# of units of concern	0	11 units	12 units	1 partial unit	4 units, 4 partial	0
Resource Concerns:						
<u>Aquatics:</u> # of watersheds with over 20% harvest within last 30 years	9 of 19	16 of 19	16 of 19	13 of 19	12 of 19	14 of 19
<u>Botany:</u> rare plant known pop. affected						
<i>P. orbiculata</i> ²	0	21 ³ %	26%	10%	10%	10%
<i>L. convallarioides</i>	0	0%	50%	0%	0%	0%
<i>T. trifoliata</i> var. <i>laciniata</i>	0	40%	60%	20%	60%	60%
<u>Heritage:</u> impact to culturally modified trees in Unit S07	No	No	Yes	No	No	No

¹ Existing condition

² *Platantera orbiculata* populations in Units S07 and R07 are unique as they are the largest known in the State of Alaska.

³ Populations in Unit S07 would not be affected. The Selected Alternative affects 33% of the individual plants in the botany direct effects area.

Source: KMRD GIS 2007, NEAT (3Q2005) Dec. 2006

Public Involvement

The Council on Environmental Quality (CEQ) defines scoping as "...an early and open process for determining the scope of issues to be addressed and for identifying the key issues related to a Proposed Action" (in Code of Federal Regulations 40 CFR 1501.7). The scoping process invited public participation and collected initial comments.

Public Scoping

On March 25, 2005, a scoping letter was sent to 244 individuals, organizations, agencies, and tribal governments. The mail list included everyone who commented on the original three EAs. The letter explained that Rockfish, SW Neets, and Francis Cove EAs were now combined in the Traitors Cove Timber Sale EIS. Comment letters were received from 14 individuals, organizations, agencies, and tribal governments.

Notice of Intent

A Notice of Intent (NOI) was published April 1, 2005 in the *Federal Register* when it was decided that an EIS was to be completed for the project.

Newspaper Legal Notices

Legal ads announcing the Notice of Intent were published March 31, 2005 in the *Ketchikan Daily News* and March 31, 2005 in the *Juneau Empire*.

Newspaper Notices

On April 1 2005, a news article on the Traitors Cove EIS was published in the *Ketchikan Daily News*.

Draft EIS

Availability of Draft EIS for Public Comment

The Draft EIS was mailed on June 2, 2006 to Federal and State agencies, Native and municipal offices, and others who requested it. The Notice of Availability of the Draft EIS was announced on June 16, 2006, both in the *Federal Register* and through legal notices published June 17, 2006 in the *Ketchikan Daily News* and June 18, 2006 in the *Juneau Empire* (the newspaper of record). The Notice of Availability in the *Federal Register* initiated a 45-day public comment period.

Subsistence Hearing

In accordance with Section 810 of the Alaska National Interest Lands Conservation Act, a subsistence hearing for the Traitors Cove project was held in Saxman on June 17, 2006. The date, time, and location of the subsistence hearing was publicized with a news release on June 3, 2006 in the *Ketchikan Daily News* and publicly placed posters. A transcript of the testimony from that hearing is included as Appendix C of the Final EIS.

Analysis and Incorporation of Public Comment on the Draft EIS

Nineteen agencies, organizations, and individuals submitted written comments on the Draft EIS. The IDT analyzed and incorporated these comments into the Final EIS. Public comments and responses to the comments are included in Appendix D of the Final EIS. The Final EIS Chapters 2 and 3 summarize the analysis of effects to timber economics, productive old growth, and traditional use.

Litigation

A lawsuit was filed in the Alaska District Court challenging the roadwork completed in the Traitors Cove and Overlook timber sale areas (FSEEE v USFS, 3:06-cv-068

Record of Decision

(JWS) (D.Alaska). This was a separate legal challenge from the Traitors Cove Timber Sale decision. A final ruling has been made; the Traitors Cove project complies with the ruling.

Final EIS

Publication of the Final EIS

The Notice of Availability of the Final EIS and ROD is published in the *Federal Register*. Legal notices are published in the *Juneau Empire*, the newspaper of record, and in the *Ketchikan Daily News*. The legal Notice of Availability published in the *Juneau Empire* initiates a 45-day appeal period (36 CFR 215), during which the project cannot be implemented. Copies of this ROD were mailed to Federal and State agencies, tribal governments, municipal offices, and to those who requested them or responded to the Draft EIS. The EIS and ROD are also available for review at the Ketchikan-Misty Fjords Ranger District Office.

Meetings with Tribal Governments

The Forest Service invited government-to-government consultation and held information sharing meetings with three local tribal governments potentially interested in the project. Every effort was made to keep the tribal governments informed throughout the process. The purpose of these meetings was to invite tribal input that would help the IDT identify concerns to be considered in the analysis. This does not imply that the tribes endorse the Proposed Action or any of the alternatives.

Meetings with federally recognized tribal governments and other entities took place as follows. Participants included: Organized Village of Saxman (OVS), Ketchikan Indian Community (KIC), and Metlakatla Indian Community (MIC) and local clan members.

- January 13, 2004 OVS at Saxman Tribal Hall
- January 22, 2004 KIC Site Guardianship Committee at Ketchikan-Misty Fjords (KMRD) conference room
- April 12, 2004 KIC Site Guardianship Committee at KMRD conference room
- May 11, 2004 MIC Natural Resource Committee
- September 13, 2004 KIC Council at KIC council chambers
- October 25, 2004 KIC Council at KIC council chambers
- November 2, 2004 OVS at Saxman Tribal Hall
- November 16, 2004 MIC Tribal Council at Metlakatla Council Chambers
- November 20, 2004 OVS at Saxman Tribal Hall
- February 28, 2005 Joint KIC, MIC, and OVS meeting at Saxman Tribal Hall
- March 30, 2005 MIC Natural Resource Committee at Metlakatla Council Chambers
- November 11, 2005 KIC, MIC, and OVS - Update letters were mailed to all tribal governments explaining the progress of the EIS.
- March 28, 2006 MIC representatives at KMRD conference room
- March 31, 2006 KIC Subsistence Committee at KMRD conference room
- April 10, 2006 KIC Council at KIC council chambers

- April 12, 2006 OVS at Saxman Tribal Hall
- May 2, 2006 KIC, MIC, OVS Delivery of Draft EIS with letter
- May 5, 2006 KIC Cultural Committee at KIC council chambers
- May 10, 2006 OVS and representatives from Brown Bear House and Halibut House, at Saxman Tribal Hall
- May 22, 2006 MIC Resource Committee at KMRD Ranger's office
- June 17, 2006 Saanya Kwaan Brown Bear Nest House letter stating preference for Alternative 5
- July 31, 2006 Saanya Kwaan Eagle Tail House letter stating preference for Alternative 1 and support and selection of Alternative 5
- August 29, 2006 Alaska Native Brotherhood and Alaska Native Sisterhood Camp #14 letter stating first preference is Alternative 1 and second choice is Alternative 5

Coordination with Other Agencies

An interagency team of biologists representing the U.S. Fish and Wildlife Service (USFWS), Alaska Department of Fish and Game (ADFG), and the Forest Service reviewed small Old-growth Reserves for location and function in the project area. They support the interagency biologically preferred option for small OGRs in VCU 7380, 7390, and 7400.

A biological assessment was prepared and sent to the U.S. Fish and Wildlife Service and to the National Marine Fisheries Service (NMFS) as part of the Section 7 consultation under the Endangered Species Act. USFWS (June 19, 2006) and NMFS (November 20, 2006) concurred with the findings of “not likely to adversely affect” the federally listed species and “may impact individuals but not likely to result in loss of viability in the planning area” for the R10 sensitive species.

To comply with the essential fish habitat (EFH) agreement, the Forest Service prepared an EFH assessment. The EFH assessment was sent to NMFS; they concurred with the findings that the Traitors Cove Timber Sale may adversely affect EFH.

Coordination with the State of Alaska included the Department of Natural Resources, the Department of Fish and Game, and the Department of Environmental Conservation. The Forest Service determined that implementation of the project will not affect the coastal zone. Based on the analysis in the Final EIS, review of the Forest Practices Act, and comments from State agencies on the Draft EIS, the Forest Service determined that the project is consistent to the maximum extent practicable with the enforceable policies of the Alaska Coastal Management Program. The State concurred with this consistency finding.

The State Historic Preservation Officer has been consulted, in accordance with Section 106 of the National Historic Preservation Act (NHPA) and CFR Part 800. Native communities have been contacted and public comment encouraged. The Forest Service has satisfied the consultation process with the State Historic Preservation Officer (SHPO). The SHPO concurs that no effects to heritage resources are anticipated.

Record of Decision

The EIS identifies the agencies that were informed of or involved in the planning process (see Distribution List in Chapter 4).

Alternatives Considered

Five alternatives were considered in detail. Each action alternative is consistent with the Forest Plan. Other alternatives were considered in an effort to reduce effects. These efforts are described in Chapter 2 of the Final EIS. The Final EIS analyzed the following alternatives:

Alternative 1 - No Action, proposed no new timber harvest or road construction in the project area. It does not preclude timber harvest from other areas or from the project area in the future. Council on Environmental Quality (CEQ) regulations require that a “No Action” alternative be analyzed in every EIS (40 CFR 1502.14(d)). This alternative represents the existing condition. It serves as a baseline for comparing the action alternatives.

Alternative 2 - Proposed Action, proposed to harvest 973 acres producing 18.3 MMBF of timber. Alternative 2 included clearcutting (even-aged management) and two-aged harvest methods. New road construction totaled 8.89 miles.

Alternative 3 proposed to harvest 436 acres producing 8.3 MMBF of timber. Alternative 3 included clearcutting (even-aged management) and two-aged harvest methods. New road construction totaled 3.46 miles.

Alternative 4 proposed to harvest 378 acres producing 7.3 MMBF of timber. Alternative 4 included clearcutting (even-aged management) and two-aged harvest methods. No new road construction was proposed in this alternative.

Alternative 5 proposed to harvest 735 acres producing 13.9 MMBF of timber. Alternative 5 included clearcutting (even-aged management) and two-aged harvest methods. New road construction totaled 5.93 miles.

Environmentally Preferred Alternative

Implementing Alternative 1, the No-action Alternative, would result in no environmental disturbance and is therefore the environmentally preferred alternative.

Mitigations

The analysis documented in the EIS discloses the possible adverse effects of implementing the actions proposed under each alternative. Measures were formulated to mitigate or reduce these effects. Project-specific mitigation measures are listed below and on the unit and road cards (Appendices 2 and 3), and will be applied to the Selected Alternative.

Botany: Where possible, use the reserve areas for marten and other standards and guidelines to conserve rare plant populations. Mark rare plant populations outside units and roads that are near activities, to avoid falling timber on known plant locations.

Heritage: Should any previously unknown heritage resources be discovered during project implementation, all project activities will immediately stop until a professional

archeologist can complete an evaluation of the newly discovered site. Mitigation measures must be agreed upon and implemented before project activities may proceed.

Recreation: Commercial outfitters providing public tours to the Margaret Wildlife Observation Site and timber harvest operations use some of the same roads, 8000000 and 8000495, in their operations. In order to improve the recreational experience and reduce the safety hazard associated with dust generated by logging operations, the logging contractor will use dust abatement measures on those shared road segments. These measures would only need to be taken during the peak wildlife-viewing season, July 15th through September 20th. For additional safety, CBs would be used in the commercial outfitters' vans using the road to Margaret Creek Wildlife Observation Site to communicate with log trucks.

Scenery: The key scenery resource concern is that any new harvest be designed to create light-to-moderate additional effects, or no additional effects. Specific mitigation measures are required on the following units and road.

Unit R10: The upper corner of the unit (southwest) has a very squared-off appearance that is not natural looking. Angle the upper corner of the unit by cutting the backline several hundred feet in from the corner and cutting back the adjacent west boundary by a few hundred feet.

Units R12 and R11 (helicopter setting): Additional harvest on this steep slope will impact the existing visual condition. To lessen the additional impact, leave as much structure throughout the unit by distributing the marten retention throughout as much of the unit as possible.

Unit S10: The backline of this unit creates a very sharp edge across the landscape. Impacts from any new harvest in this viewshed seen from the entrance to Neets Bay will be minimized as much as possible, since the impact from extensive past harvest is just starting to be softened. Leave some scattered clumps of retention along the backline to soften this edge, or leave a couple of larger areas of retention adjacent to the backline to break up this long edge.

Rockpit for Unit S10 on Road 8060570: A proposed rock pit on Road 8060570 will be located to incorporate the standing timber below the road as a visual screen.

Monitoring

Implementation monitoring is designed to determine how well specific design features or mitigation measures work in protecting natural resources and their beneficial uses. Road use during and following harvest would be monitored to determine whether closure features are sufficient to preclude motorized access. Harvest units will be monitored 3 years after harvest to determine if regeneration is successful.

Botany: During out-year budget formulation process, submit project proposals designed to assess how timber harvest and road building activities affect rare plant populations and proposals to conduct more botanical surveys outside the botany cumulative effects analysis area.

Silviculture: All harvest areas are prescribed to be restocked to conifer trees by natural regeneration. Regeneration (stocking) surveys will be conducted on all harvest

units after the third full growing season following completion of logging. This monitoring is funded by essential Knudson-Vandenberg (KV) Act collections.

Findings Required By Law

Several of the laws and executive orders listed in Chapter 4 of the Final EIS require project-specific findings or other disclosures.

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

Subsistence Evaluation and Findings: A subsistence evaluation was conducted for the five alternatives, in accordance with Alaska National Interest Lands Conservation Act (ANILCA) Section 810. An ANILCA 810 subsistence hearing was conducted during the comment period for the Draft EIS. The hearing transcript is published as Appendix C of the Final EIS.

This evaluation indicates that the potential foreseeable effects from the alternatives do not indicate a significant possibility of a significant restriction of subsistence uses for deer, bear, furbearers, marine mammals, waterfowl, salmon, other finfish, shellfish, and other foods such as berries and roots. However, there may be a significant possibility of a significant restriction on subsistence use of deer in WAA 510 at some point in the future due to additional reductions in habitat capability. See Chapter 3, Subsistence section, in the Final EIS.

Bald Eagle Protection Act

This project complies with the Bald Eagle Protection Act. An Interagency Agreement between the Forest Service and the U.S. Fish and Wildlife Service (USFWS) restricts management activities within 330 feet of an eagle nest site. Protective measures are required and documented in Appendices 2 and 3.

Cave Resource Protection Act of 1988

There are no known occurrences of carbonate rock and associated cave resources in the project area. Field surveys identified no areas of concern in the project area.

Clean Air Act of 1970 (as amended)

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

Clean Water Act (1977, as amended)

Project activities meet all applicable State of Alaska Water Quality Standards. Congress intended the Clean Water Act of 1972 (Public Law 92-500) as amended in 1977 (Public Law 95-217) and 1987 (Public Law 100-4) to protect and improve the quality of water resources and maintain their beneficial uses. Section 313 of the Clean Water Act and Executive Order 12088 of January 23, 1987 addresses Federal agency compliance and consistency with water pollution control mandates. Agencies must be consistent with requirements that apply to "any governmental entity" or private person. Compliance is to be in line with "all Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution."

The Clean Water Act (Sections 208 and 319) recognized the need for control strategies for nonpoint source pollution. The National Nonpoint Source Policy (December 12,

1984), the Forest Service Nonpoint Strategy (January 29, 1985), and the USDA Nonpoint Source Water Quality Policy (December 5, 1986) provide a protection and improvement emphasis for soil and water resources and water-related beneficial uses. Soil and water conservation practices (BMPs) were recognized as the primary control mechanisms for nonpoint source pollution on National Forest System lands. The EPA supports this perspective in their guidance, "Nonpoint Source Controls and Water Quality Standards" (August 19, 1987).

The Forest Service must apply BMPs that are consistent with the Alaska Forest Resources and Practices Act (AFRPA) to achieve Alaska Water Quality Standards. 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 (October 2000). In 1997, the State approved the BMPs in the Forest Service Soil and Water Conservation Handbook (FSH 2509.22, October 1996) as consistent with AFRPA. This handbook is incorporated into the Forest Plan.

A discharge of dredge or fill material from normal silvicultural activities such as harvesting for the production of forest products is exempt from Section 404 permitting requirements in waters of the United States, including wetlands (404(f)(1)(A)). Forest roads qualify for this exemption only if they are constructed and maintained in accordance with BMPs to assure that flow and circulation patterns and chemical and biological characteristics of the waters are not impaired (404(f)(1)(E)). The BMPs that must be followed are specified in 33 CFR 323.4(a). These specific BMPs are incorporated into the Soil and Water Conservation Handbook under BMP 12.5.

The design of harvest units for the Selected Alternative were guided by standards, guidelines and direction in the Forest Plan, and applicable Forest Service manuals and handbooks. The unit cards and road cards (Appendices 2 and 3 of the ROD) contain specific details on practices prescribed to prevent or reduce nonpoint sediment sources.

Clearcutting as the Optimum Method of Harvesting

Section 6(g)(3)(F)(i) of NFMA requires that the Forest Service:

"Insure that clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber will be used as a cutting method on National Forest System lands where -- for clearcutting, it is determined to be the optimum method, and for other such cuts it is determined to be appropriate, to meet the objectives and requirements of the relevant land management plan."

The Forest Plan (p. 4-96 to 4-97) and Forest Plan EIS (Appendix G, p. G-7 to G-9) give guidance on when to use even-aged management. Clearcutting (an even-aged method) is used in this project to preclude or minimize potentially adverse impacts from windthrow. It is applied where windthrow potential is moderate to high. Clearcutting is also used to minimize mistletoe infestations, logging damage, or other factors affecting forest health. Specific information and rationale for use of this prescription is shown in the silvicultural prescriptions (which are a part of the planning record). Chapter 3 of the Final EIS also discusses rationale for use of clearcutting. Where used, this prescription is optimum related to site-specific considerations as described above.

Coastal Zone Management Act (CZMA) of 1972 (as amended)

The Coastal Zone Management Act of 1972, as amended, while specifically excluding

Record of Decision

Federal lands from the coastal zone, requires that Federal agency activities be consistent with the enforceable policies of the State coastal management program to the maximum extent practicable when the activities affect the coastal zone. The Forest Service makes this determination.

The Alaska Coastal Management Program incorporated the Alaska Forest Resources and Practices Act (AFRPA) of 1979 as the applied Standards and Guidelines for timber harvesting and processing. The Standards and Guidelines, BMPs, and mitigation measures described in the EIS meet or exceed the level of protection provided by the enforceable policies of the AFRPA.

Based on the analysis in the EIS, review of the AFRPA, and comments from State agencies, the Forest Service determined that the project is consistent to the maximum extent practicable with the enforceable policies of the Alaska Coastal Management Program. The State concurred with this consistency finding July 19, 2006.

Consumers, Civil Rights, Minorities and Women

No negative effects to the civil rights of individuals or groups, including minorities and women, are anticipated to be associated with this project. Additional information can be found in the Forest Plan FEIS, Chapter 3 and Appendix H.

Endangered Species Act (ESA) of 1973 (as amended)

The decision will not have a direct, indirect, or cumulative adverse effect on any threatened or endangered species. Consultation was initiated with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). No terrestrial or threatened or endangered species are listed for the project area. A combined biological assessment (BA) and biological evaluation (BE) was prepared for the project, as required by Section 7 of the Endangered Species Act (ESA), as amended, and the USDA Forest Service Threatened, Endangered and Sensitive Plant and Animal Species Policy (FSM 2670). Concurrence on the final BA/BE was received from USFWS on August 8, 2005, and from NMFS on September 6, 2005. The BA/BE is Appendix B of the Final EIS.

Forest Service Transportation Final Administrative Policy (Roads Rule)

The Final EIS and this ROD are prepared to be consistent with the Forest Service Transportation Final Administrative Policy and informed by the Tongass National Forest Level Road Analysis (January 2003), and the Ketchikan-Misty Fiords District Roads Analysis Plan (March 2007). I have determined that the Traitors Cove road system is "the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands" (36 CFR 212.5).

Harvest Openings Over 100 Acres in Size

This project complies with all resource integration and management requirements of 36 CFR 219 (219.14 through 219.27), through application of Forest Plan Standards and Guidelines at the project level. No openings in excess of 100 acres will be created.

Magnuson-Stevens Fishery Conservation and Management Act of 1996

Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act states that all Federal agencies must consult with the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) for actions or proposed actions that may adversely affect essential fish habitat (EFH). The Act

promotes the protection of EFH through review, assessment, and mitigation of activities that may adversely affect these habitats.

The potential effects of the project on essential fish habitat have been evaluated (Aquatic Resources, Chapter 3, Final EIS). Analysis completed in the cumulative effects sections for aquatics indicate no significant changes to riparian management areas (RMAs) and floodplains resulting from the decision.

Five factors were considered in evaluating the potential effects on essential fish habitat:

1. Forest Plan Standards and Guidelines for process group riparian buffers are applied in all instances on Class I, II, and III streams.
2. BMPs described in the unit and road cards provide assurance of water quality and aquatic habitat protection for all freshwater streams and marine waters affected by the project.
3. Approximately 60 acres of slopes greater than 72 percent have been field reviewed by professional soil scientists who determined harvest of these slopes can be accomplished with no damage to other resources.
4. Road construction includes a 60" diameter-equivalent fish passable structure for crossing a Class II stream. This could be accomplished using a temporary bridge structure or a 60" culvert.
5. Logs would be loaded directly onto a barge so little bark debris would accumulate on the subtidal substrate.

The Forest Service determined that the project may adversely affect essential fish habitat. However, by implementing Forest Plan Standards and Guidelines and BMPs, effects would be minimized. Additional impacts to EFH are likely to occur only from unforeseen events. Concurrence on the EFH finding was received from NMFS on July 31, 2006. Formal consultation has been completed in accordance with the agreement between the Forest Service and National Marine Fisheries Service.

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

The 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 project ensures compliance at the project level. All required interagency review and coordination has been accomplished.

All alternatives fully comply with the Forest Plan and Forest Service Manual (FSM) 2410.3, R10 Supplement 2400-2002-1 (5/7/2002). The project incorporates all applicable standards, guidelines, and management area prescriptions, and complies with Forest Plan goals and objectives.

National Historic Preservation Act (NHPA) of 1966 (as amended)

Heritage resource surveys of various intensities have been conducted in the project area, following inventory protocols approved by the Alaska State Historic Preservation Officer. The State Historic Preservation Officer has been consulted, in accordance with Section 106 of the NHPA and 36 CFR Part 800. I have determined that there will be no effects on known heritage resources.

Native communities have been contacted and public comment encouraged. The Forest Service has satisfied the consultation process with the State Historic Preservation

Record of Decision

Officer. Forest Service timber sale contracts contain enforceable measures for protecting any undiscovered heritage resource that might be encountered during sale operations. See the discussion under Heritage Resources in Chapter 3 of the Final EIS.

Tongass Timber Reform Act (TTRA) of 1990

Harvest units were designed with no less than 100-foot buffer zones for all Class I streams and Class II streams which flow directly into Class I streams as required in Section 103 of the TTRA.

Executive Orders

Executive Order 11988 (Floodplains)

Executive Order 11988 directs Federal agencies to take action to avoid, to the extent possible, the long- and short-term adverse effects associated with the occupancy and modification of floodplains. The numerous streams in the project area make it impossible to avoid all floodplains during timber harvest and road construction. The project design and the application of BMPs combine to minimize adverse effects on floodplains.

Executive Order 11990 (Wetlands)

Executive Order 11990 requires Federal agencies to avoid, to the extent possible, the long- and short-term adverse effects associated with the destruction or modification of wetlands. Routed access in the project area cannot avoid wetlands. Techniques and practices required by the Forest Service serve to maintain the wetland attributes including values and functions. Soil moisture regimes and vegetation on some wetlands may be altered in some cases; however, these altered acres would still be classified as wetlands and function as wetlands in the ecosystem. This project avoids impacting wetlands whenever practicable, but it is not feasible to avoid all wetland areas.

Executive Order 12898 (Environmental Justice)

Executive Order 12898 directs Federal agencies to state clearly in the EIS whether a disproportionately high and adverse human health or environmental impact on minority populations, low-income populations, or Indian tribes is likely to result from the proposed action and any alternatives. The Executive Order specifically directs agencies to consider patterns of subsistence hunting and fishing when an agency action may affect fish or wildlife. The issue of environmental justice has been addressed through the subsistence and environmental justice sections in Chapter 3 of the Final EIS. Environmental justice was not identified as an issue for the project because: 1) No communities are identified as being adversely affected in this area (Forest Plan FEIS Chapter 3). 2) None of the alternatives would have a disproportionately high and adverse effect on the health of the environment of the minority or low-income populations that use the Traitors Cove area as noted in the Final EIS, Chapter 3, Environmental Justice.

Executive Order 12962 (Aquatic Systems and Recreational Fisheries)

Executive Order 12962 requires Federal agencies to evaluate the effects of proposed activities on aquatic systems and recreational fisheries. The Selected Alternative minimizes the effects on aquatic systems through project design, watershed assessment, application of standards and guidelines, BMPs, and site-specific mitigation measures. Recreational fishing opportunities would remain essentially the

same because aquatic habitats are protected through implementation of BMPs and riparian buffers.

Executive Order 13007 (Indian Sacred Sites)

Executive Order 13007, Indian Sacred Sites, provides presidential direction to Federal agencies to give consideration to the protection of American Indian sacred sites and allow access where feasible. In a government-to-government relationship, the tribal government is responsible for notifying the agency of the existence of a sacred site. A sacred site is defined as a site that has sacred significance due to established religious beliefs or ceremonial uses, and which has specific, discrete, and delineated location that has been identified by the tribe. Tribal governments or their authorized representatives have not identified any specific sacred site locations in the project area.

Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments)

Executive Order 13175 directs Federal agencies to respect tribal self-government, sovereignty, and tribal rights, and to engage in regular and meaningful government-to-government consultation with tribes on proposed actions with tribal implications. The Forest Service met with local tribes during the planning stages of the project as previously noted in Meetings and Consultation with Tribal Governments.

Executive Order 13186 (Migratory Birds)

The Migratory Bird Treaty Act of 1918 (amended in 1936 and 1972) prohibits the taking of migratory birds, unless authorized by the Secretary of Interior. The law provides the primary mechanism to regulate waterfowl hunting seasons and bag limits, but its scope is not just limited to waterfowl. Over 100 species of birds migrate from other states and countries to Alaska to breed, nest, and fledge their young. Most of these birds fly to interior or northern Alaska and only pass through the project area on the way to their breeding grounds. 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 decision will not have a significant direct, indirect, or cumulative effect on any migratory bird species for this project area. There may be direct minor effects on individuals or small groups and their nests from the harvest of timber or the disturbance caused by harvest activities.

Federal and State Permits

Federal and State permits necessary to implement the authorized activities are listed at the end of Chapter 1 in the Final EIS.

Planning Record

The planning record for this project includes the Draft EIS and Final EIS, Forest Plan, all material incorporated by reference, and other critical materials produced during the environmental analysis of this project. The planning record is available for review at the Ketchikan-Misty Fjords Ranger District.

Implementation Process

Implementation of this decision may occur no sooner than 50 days following publication of the legal notice of the decision in the *Juneau Empire*, published in Juneau, Alaska.

Timber harvest activities in the project area will take place on lands found suitable for timber production under provisions of the National Forest Management Act. The timber may be offered in one or more sales.

This project will be implemented in accordance with Forest Service Manual (FSM) and Forest Service Handbook (FSH) direction for Timber Sale Project Implementation in FSM 2430 and FSH 2409.18. This direction provides a bridge between project planning and implementation and would ensure execution of the actions, environmental standards, and mitigations approved by this decision, and compliance with the TTRA and other laws. All applicable best management practices (BMPs) will be applied to the Selected Alternative.

Implementation of all activities authorized by this Record of Decision will be monitored to ensure that they are carried out as planned and described in the Final EIS.

Appendices 2 and 3 to this Record of Decision contain the Selected Alternative's unit and road cards. These cards are an integral part of this decision because they document the specific resource concerns, management objectives, and mitigation measures to govern the layout of the harvest units and construction of roads. These cards will be used during the implementation process to assure that all aspects of the project are implemented within applicable standards and guidelines and that resource effects would not be greater than those described in the Final EIS. Similar cards will document any changes to the planned layout which may occur during implementation.

The implementation record for this project will display:

- Each harvest unit, transportation facility, and other project components as actually implemented,
- Any proposed changes to the design, location, standards and guidelines, or other mitigation measures for the project, and
- Authorization of the proposed changes.

Process for Change During Implementation

Proposed changes to the authorized project actions will be subject to the requirements of the National Environmental Policy Act (NEPA), the National Forest Management Act of 1976, Section 810 of the Alaska National Interest Lands Conservation Act, the Tongass Timber Reform Act, the Coastal Zone Management Act, and other laws concerning such changes.

In determining whether and what kind of NEPA action is required for proposed changes during implementation, the Forest Supervisor will consider the criteria set forth in the Code of Federal Regulations (40 CFR 1502.9(c)), and Forest Service Handbook (FSH) 1909.15, sec. 18 for determining whether to supplement an existing environmental impact statement. In particular, the Forest Supervisor will determine whether the proposed change is a substantial change to the Selected Alternative as

Record of Decision

planned and already approved, and whether the change is relevant to environmental concerns. Connected or interrelated proposed changes regarding particular areas of specific activities will be considered together in making this determination. The cumulative impacts of these changes will also be considered.

Minor changes are expected during implementation to better meet on-site resource management and protection objectives. Minor adjustments to unit boundaries are also likely during final layout for the purpose of improving logging system efficiency. This will usually entail adjusting the boundary to coincide with logical logging setting boundaries. Changes made during implementation will be reviewed, documented, and approved by the Responsible Official.

Right to Appeal

This decision is subject to administrative review (appeal) pursuant to Title 36 Code of Federal Regulations (CFR) Part 215. Individuals or organizations who submitted comments during the comment period specified at 215.6 may 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:

Denny Bschor, Regional Forester
Alaska Region
US Department of Agriculture
709 W. 9th Street
P.O. Box 21628
Juneau, AK 99802-1628

Email address: appeals-alaska-regional-office@fs.fed.us
Fax (907) 586-7840

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 the date that the legal notification of this decision is published in the *Juneau Empire*, the official newspaper of record. The publication date in the newspaper of record is the exclusive means for calculating the time to file and appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

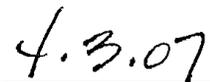
Hand-delivered appeals will be accepted at the Regional Office during normal business hours (8:00 am through 4:30 pm) Monday through Friday, excluding holidays.

Implementation of decisions subject to appeal pursuant to 36 CFR Part 215, may occur on, but not before, 5 business days from the close of the appeal filing period, if no appeals are received.

For additional information concerning this decision, contact Lynn Kolund, District Ranger, Ketchikan-Misty Fiords Ranger District, 3031 Tongass Ave, Ketchikan, AK 99901, or call (907) 228-4100.



FORREST COLE
Forest Supervisor



Date