



United States
Department of
Agriculture

Forest
Service

R10-MB-735b

June 2012



Seal Point Recreation Enhancement Project

Decision Notice and Finding of No Significant Impact

Petersburg Ranger District, Tongass National Forest, Alaska



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Cover photo: view from NFS Road 6000 looking east to Hamilton Bay. Photograph by Paul Olson.



United States
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Forest
Service

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Petersburg Ranger District

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File Code: 1950/2360
Date: June 18th, 2012

Dear Planning Participant

The Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Seal Point Recreation Enhancement Project Environmental Assessment (EA) on the Petersburg Ranger District, Tongass National Forest is now available. The Decision Notice documents my final conclusion on the Selected Alternative, with modifications, and the rationale in reaching the decision. The effective date of implementation is five working days following the publication of this decision's Notice of Availability published in the Petersburg Pilot, the newspaper of record.

Copies of the Decision Notice and FONSI have been mailed to individuals, businesses, organizations, agencies, and tribes and corporations that have previously shown interest in USDA Forest Service projects within the vicinity of Petersburg, Alaska. The EA, DN, and FONSI are also available for review at Forest Service offices throughout the Tongass and online at:

http://www.fs.fed.us/r10/tongass/projects/nepa_project.shtml?project=34770

For additional information please contact Carin Christensen at the Petersburg Ranger District at (907) 772-3871 or clchristensen@fs.fed.us.

As the District Ranger, I am responsible for this decision. I want to thank those who took the time to review and comment on the Environmental Assessment. Your interest in the management of the Tongass National Forest is appreciated.

Sincerely,


JASON C. ANDERSON
District Ranger



Seal Point Recreation Enhancement Project

Decision Notice and Finding of No Significant Impact

Agency: USDA Forest Service
Tongass National Forest

Responsible Official: Jason C. Anderson, District Ranger
Petersburg Ranger District
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Abstract

The Responsible Official has selected the action alternative (Alternative 2) from the Seal Point Recreation Enhancement Project Environmental Assessment. The alternative allows for the development of two day use areas, each with a single bathroom, picnic shelter, fire ring and/or pedestal grill, and picnic tables. The alternative also allows for reconstruction and extension of the existing boat ramp, as well as conversion and expansion of existing clearings into parking areas. The alternative was modified to exclude the proposed construction of the gravel trail and also excludes the proposed addition of a third bathroom near the boat ramp. Development of day-use areas and improvements to the boat ramp have been discussed with and supported by residents of Kake for a number of years. These improvements respond to the goals and objectives outlined in the Forest Plan and help move the project area toward the desired condition described in the Plan.

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Seal Point Recreation Enhancement Project

Decision Notice and Finding of No Significant Impact

**USDA Forest Service
Petersburg Ranger District, Tongass National Forest
Petersburg, Alaska**

This Decision Notice documents my decision for the Petersburg Ranger District Seal Point Recreation Enhancement Project. It describes the chosen alternative 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 (EA) completed for this project in April 2012 documents the environmental analysis and conclusions upon which this decision is based. The EA is incorporated by reference in this decision document.

Decision and Rationale

Based on my review of the Seal Point Recreation Enhancement EA, I have decided to implement Alternative 2, the proposed action, hereafter known as the Selected Alternative. The Selected Alternative best meets the Purpose and Need identified in the EA and Forest Plan Standards and Guidelines. Implementing the Selected Alternative will:

- Enhance existing recreation and subsistence opportunities for the community of Kake and the visiting public.
- Minimize safety concerns by improving access to the Seal Point boat ramp during a higher tide cycle.
- Preserve the ecological and cultural significance of the Seal Point area.
- Provide facilities with accessibility levels that meet or exceed required standards for a variety of physical abilities and ages.

The Seal Point area is primarily used for recreation and subsistence fishing, big game and waterfowl hunting, picnicking, and berry picking, with day and overnight use. Development of day-use facilities and improvements to the boat ramp to alleviate safety and access issues have been discussed with and supported by residents of Kake for a number of years (see Public and Agency Involvement section later in this document). Input from Kake residents will continue to be sought during the design phase of the project.

A non-significant issue identified during field surveys conducted prior to the Seal Point Recreation Area EA/DN/FONSI (USDA Forest Service 1997) revealed an eelgrass bed

adjacent to the boat ramp. National Marine Fisheries Service (NMFS), the Environmental Protection Agency (EPA), and the U.S. Department of the Army Corps of Engineers (COE) commented on the importance of this valuable habitat type. Any improvements to the boat ramp will avoid this bed where practicable. In addition, a COE permit, file number 2-970546, Hamilton Bay 3, which authorized the construction of the Seal Point boat ramp in 1998, will be modified before the project moves forward.

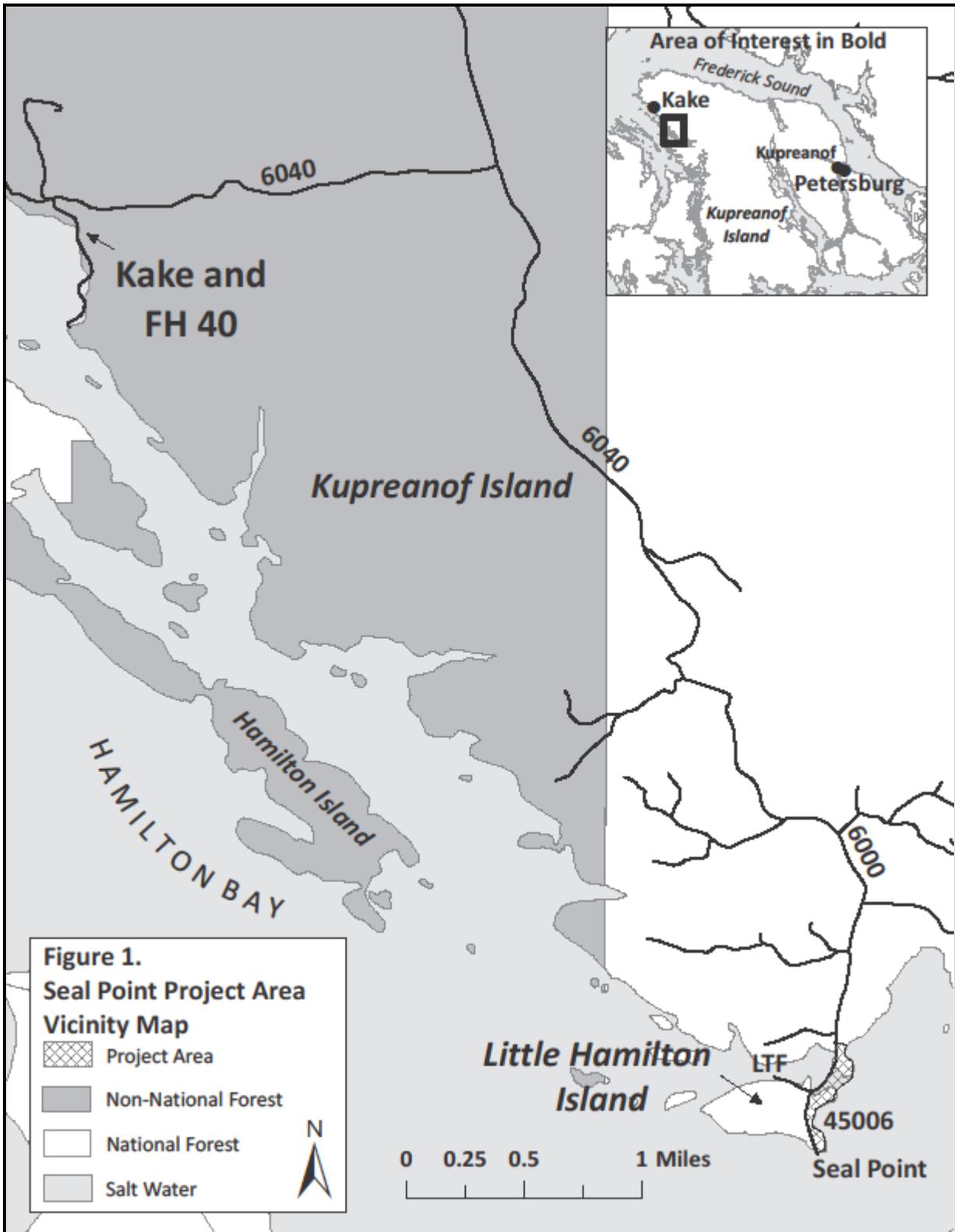
The boat ramp and Day Use Site 1 are located on Little Hamilton Island, which falls within the Semi-Remote Recreation LUD. Forest-wide standards and guidelines for the Moderate Scenic Integrity Objective (SIO) apply. The Forest Plan recognizes that within this LUD there may be cases where facilities associated with concentrated recreation development may not feasibly meet a Moderate SIO, and allows the project level NEPA decision document to adopt an appropriate SIO. Reconstruction of the Seal Point boat ramp would not meet the Moderate SIO due to the size of the jetty needed to give the ramp a functional slope, but could meet the lesser SIO of Low with the use of appropriate materials.

The entire project area is located within a Recreation Opportunity Spectrum (ROS) class of Roaded Modified. The standards and guidelines for scenic quality require a Roaded Modified area '*not to exceed the Very Low Scenic Integrity Objective*'. If light colored limestone rock is used, site development will result in an SIO of Very Low. Therefore, dark colored rock material should be used for riprap and road surfacing. If guardrails for the boat ramp are necessary, materials should be dark in color and of a style that blends with natural surroundings and fits with the overall site development. This decision document adopts an SIO of Low for the Seal Point boat ramp recreation site.

Project Location

The Seal Point Project Area (also known locally as the Seal Point Recreation Area) is located about 8.5 miles southeast of Kake, Alaska (see Figure 1. – Seal Point Project Area Vicinity Map). The Kake to Seal Point road begins at the junction of Forest Highway (FH) 40 and the National Forest System (NFS) 6040 road. The road proceeds in a southeasterly direction to the junction of the NFS 6040/6000 roads. The project area is divided into two sections by a causeway connecting Kupreanof Island with Little Hamilton Island. To the west after the causeway, the NFS 6000 road continues to its terminus at the Little Hamilton Log Transfer Facility (LTF). The NFS 45006 road continues south, adjacent to the existing Seal Point boat ramp, and ends at a site referred to as Seal Point. The two land use designations (LUDs) within the project area are Semi-Remote Recreation (approximately 3.6 acres of proposed project area) and Timber Production (approximately 2.9 acres of proposed project area).

Figure 1. – Seal Point Project Area Vicinity Map



Selected Alternative

The Selected Alternative includes the following work:

- Boat ramp – Reconstructing and extending the existing boat ramp by raising the grade above the high tide level, removing and resurfacing the length of ramp, reconstructing the jetty, if necessary, and adding a 130-foot concrete segment to the end of the ramp. These actions may still result in a boat ramp that is available only at an approximate 6 foot tide and higher. This will be an improvement over the user-reported working tide range for the existing ramp of 16 foot tide and higher. The development near the boat ramp will include: picnic tables with fire rings, bear-proof garbage cans, and parking for eight vehicles with boat trailers. These developments will utilize an existing cleared area, where day and overnight use has been noted in the past.
- Day Use Site 1 – Constructing a picnic shelter (approximately twelve feet wide and fourteen feet long) with associated fire ring and/or pedestal grill, two to three picnic tables, bear-proof garbage cans, a single-stall bathroom facility, and parking for four or more vehicles. The NFS 45006 road will end at the Day Use Site 1 parking area. Picnic sites will be accessible only to foot traffic beyond the parking area. Approximately five pullouts along the NFS 45006 road will be created to facilitate traffic patterns.
- Day Use Site 2 – Constructing a picnic shelter (approximately twelve feet wide and fourteen feet long) with associated fire ring and/or pedestal grill, two picnic tables, bear-proof garbage cans, a single-stall bathroom facility, and parking for four or more vehicles. Vehicle access will be limited to the NFS 6000 road and adjoining parking area; the existing spur road leading to this site will be closed to vehicular traffic and redesigned to serve as a trail. Approximately five pullouts along the NFS 6000 road will be created to facilitate traffic patterns.

The Selected Alternative was modified from Alternative 2 in the Environmental Assessment to exclude the construction of the gravel trail. Further analysis by Forest Service landscape architects and recreation specialists determined that the topography of the site did not allow for easy access points to the beach; the ground had a difficult substrate for building; and the trail may require brushing that exceeded the Forest Service maintenance schedule.

The Selected Alternative also includes a modification to Alternative 2 to omit the proposed third single-stall bathroom near the boat ramp. Based on the estimated number of users, it was determined that a single-stall bathroom at each of the day use areas will be adequate. Another factor determining the omission of the third bathroom was to keep the future upkeep and maintenance costs lower.

Public and Agency Involvement

An open house in Kake occurred on July 8, 2010, to solicit information from Kake residents on recreation enhancement opportunities along the Kake to Seal Point corridor. An additional meeting followed on July 27, 2010, with Federal Highways, Forest Service, and Organized Village of Kake (OVK) officials to talk about improvement opportunities at Seal Point. From these meetings, the proposed action was outlined.

The project proposal was presented to the Wrangell-Petersburg-Kake Resource Advisory Committee (RAC) in December 2010, and the NEPA efforts were later funded through RAC for FY2011 and FY2012.

The Tongass National Forest Schedule of Proposed Actions (SOPA) first listed the Seal Point Recreation Enhancement Project in January 2011. The quarterly listing and subsequent quarters are available on the internet at <http://www.fs.fed.us/sopa/forest-level.php?111005>.

A public notice outlining the project was printed in the *Petersburg Pilot* on April 7, 2011. The public was given 30 days to submit comments and ideas.

The scoping letter was distributed to more than 250 recipients, including Alaska Native Organizations, relevant state, federal and local agencies, and involved businesses and residents on June 13, 2011. This action initiated a 30-day comment period. A separate consultation letter was also signed by the Petersburg District Ranger and sent to the president of OVK.

A 30-day Notice for Public Comment on the EA was published in the *Petersburg Pilot*, on April 5, 2012. Approximately 60 individuals, organizations, federal and state agencies, and native tribes and corporations were notified by mail with either the delivery of an EA hardcopy or a letter announcing the availability of the EA online. One response from the Alaska Department of Fish and Game was submitted outside of the comment period. Two concerns were expressed:

1. *Two additional streams catalogued for coho salmon discharge into Hamilton Bay were not mentioned: Steam No. 109-42-10110 and Stream No. 109-42-10120, both located south of the proposed project.* This decision document does not include further analysis of Stream No. 109-42-10110 or Stream No. 109-42-10120. The Petersburg Ranger District's Fisheries Biologist provided a thorough analysis of possible effects on fish habitat and potential for increased subsistence use south of the project area and determined the impacts to be negligible.

2. *The EA does not address the issue of fish cleaning; an activity likely to occur near the area of the boat ramp.* Fish cleaning stations were not included in the improvements to the boat ramp; therefore, the decision maker did not incorporate this design element in the decision document.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an Environmental Impact Statement (EIS) will not be prepared. I base my finding on the following:

1. **Impacts that 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.**

Neither adverse nor beneficial effects are significant in context or intensity to warrant an EIS for this project. My finding of no significant environmental effects is not biased by the beneficial effects of the action.

2. **The degree to which the proposed action affects public health or safety.**

This action does not pose a substantial question of significant effect upon public health or safety. Similar past forest management activities have not resulted in significant effects upon public health or safety. All applicable federal and state laws pertaining to public health and safety will be followed.

3. **Unique characteristics of the geographic areas such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

The project does not enter any roadless areas. No new historic properties were identified, nor are known historic properties located in areas proposed for project activities. No wild and scenic rivers occur in the project area. No high-value wetlands or high-vulnerability karst occur in the project area. Therefore, I have determined there will be no significant effects on any unique characteristics of the area.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

Public comments resulting from project scoping and the EA have been, on the whole, supportive. Therefore, based on those comments and analysis, I have determined that any effects on the quality of the human environment are not likely to be highly controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

Effects described in the EA have been analyzed with a reasonable degree of certainty. There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks. The mitigations and other features of this decision are either commonly used or present known risks. Based on this analysis, I have determined no unique or unknown risk is involved with this project; therefore, there is no “significant” impact due to uncertainty or a 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.

This decision only pertains to work within the Seal Point project area. Any future decisions would need to consider relevant scientific and site-specific information available at that time. Therefore, I have determined that the Selected Alternative would not set a precedent for future actions with significant impacts, nor would it represent a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

There are no known significant cumulative effects between this project and other projects implemented or planned on the areas separated from the affected area of this project. Cumulative effects have been analyzed and disclosed throughout Chapter 3 of the EA. Therefore, I have determined the Selected Alternative actions have individually insignificant impacts and cumulatively insignificant impacts as they relate to past, present, and reasonably foreseeable actions.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

The Forest Service has determined that a finding of No Historic Properties Affected is appropriate for this project. This project meets the provisions stipulated in the Programmatic Agreement between the Forest Service, Alaska Region, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer. Therefore, I have determined no significant impacts would occur that adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources.

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.

There are no listed species or critical habitat in the project area or in areas adjacent to the project area, and no marine environment is included in the project area (EA pages 19 and 37). Therefore, I have determined no significant impacts would occur that adversely affect an endangered or threatened species or its habitat.

10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

The following findings show that the action does not violate federal, state, or local law requirements imposed for the protection of the environment, and has been reviewed by federal and state agencies. The action is consistent with the Forest Plan.

Findings of Other Laws and Regulations

2008 Tongass Land and Resource Management Plan

This decision is consistent with the Forest Plan and the Selected Alternative complies with the Tongass Land and Resource Management Plan, as amended. This project incorporates all applicable Forest Plan Standards and Guidelines and management prescriptions and complies with Forest Plan goals and objectives. 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 Seal Point Recreation Enhancement Project ensures compliance at the project level. Therefore, I have found the Selected Alternative consistent with the Forest Plan.

Endangered Species Act

The Selected Alternative is not anticipated to have a direct, indirect or cumulative effect on any threatened and endangered species in or outside the project area (EA pages 24-26 and 29-30). The U.S. Fish and Wildlife Service and the National Marine Fisheries Service have been informed through the Environmental Assessment, and no concerns were raised. A Biological Evaluation has been completed for this action which indicates that no federally listed threatened or endangered species will be affected by this activity. Therefore, I conclude no significant effects will occur to threatened and endangered species.

National Historic Preservation Act

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”). A Forest Service archeologist has reviewed this project and we have made a determination of “No Historic Properties Affected,” in the area of potential effects for the proposed project (EA pages 19-20). Therefore, I conclude no significant effects will occur to historic resources.

Federal Cave Resource Protection Act

There are no known caves or rocks associated with karst formation, including limestone and dolomite, within the project area. Forest Plan Karst and Caves Standards and Guidelines will be applied should any karst resources be found. Therefore, I conclude no significant effects will occur to karst or caves.

Alaska National Interest Lands Conservation Act (ANILCA)

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 will be restricted as a result of this decision. For this reason, the Selected Alternative is not expected to result in a significant restriction of subsistence use of wildlife, fish, or other foods (EA page 28). Therefore, I have found the Seal Point Recreation Enhancement Project Selected Alternative consistent with ANILCA.

Clean Water Act

I have determined that this project fully complies with the Clean Water Act. Project activities meet all applicable State of Alaska Water Quality Standards.

This project will be implemented using soil and water Best Management Practices (BMPs) that are consistent with the Alaska Forest Resources and Practices Regulations (AFRPA) to achieve Alaska Water Quality Standards and to control nonpoint source pollution. Therefore, I have determined that no significant impact to water quality is expected to occur from this decision.

Clean Air Act

Emissions anticipated from the implementation of the Selected Alternative will be of short duration and are not expected to exceed State of Alaska ambient air quality standards (18 AAC 50). Therefore, I have determined that no significant impact to air quality is expected to occur from this project.

Magnuson-Stevens Fishery Conservation and Management Act

Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires consultation 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, defined as the waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.

Essential Fish Habitat (EFH) includes streams, rivers, lakes, ponds, wetlands and other bodies of water currently and historically accessible to anadromous fish, as well as estuarine, intertidal, and marine waters.

A slight increase in sport and subsistence fishing by Kake residents is likely to occur which could increase the fishing pressure in the surrounding area of the boat ramp. This impact may have some effect on future stock levels but the effect is expected to be negligible. There would be an impact to 130 feet of the intertidal zone where the boat launch would be extended but this impact is also expected to be negligible. Eelgrass populations identified during the construction of the existing boat ramp will need to be avoided where practicable. All activities proposed are designed using Forest Plan Standards and Guidelines and Best Management Practices, and significant impacts to EFH are likely to occur only from unforeseen events (EA pages 22-23).

Executive Order 11988

Executive Order 11988 directs federal agencies to take action to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains. I have concluded that no significant impacts to floodplains will occur due to project implementation.

Executive Order 11990

This Executive Order requires federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the destruction or modification of wetlands. There are no activities proposed on any terrestrial, non-tidal wetlands, therefore, I have concluded that no significant impacts to wetlands will occur due to project implementation.

Executive Order 12898

Executive Order 12898 directs federal agencies to identify and address the issue of environmental justice, i.e., adverse human health and environmental effects of agency programs that disproportionately impact minority and low-income populations. I have concluded that implementation of the Selected Alternative is not anticipated to cause disproportionate adverse human health or environmental effects to minority or low income populations.

Executive Order 12962

Executive Order 12962 directs federal agencies to conserve, restore, and enhance aquatic systems to provide for increased recreation fishing opportunities nationwide.

It is my determination that with the application of Forest Plan Standards and Guidelines, including those for riparian areas, no significant adverse effects to freshwater or marine resources will occur. Best Management Practices will be implemented to provide assurance of water quality and aquatic habitat protection for all freshwater streams affected by the project. Therefore, any adverse effects to recreation fishing opportunities will be insignificant.

Executive Order 13007

Executive Order 13007 directs federal agencies to (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites. Based on consultations with the appropriate Indian tribes, I have determined this project will not affect the integrity of any sacred sites or limit access to any sacred sites. Therefore, based on the EA and the findings displayed previously, there are no violations of federal, state, or local environmental law associated with this action.

National Forest Management Act

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. All required interagency review and coordination has been accomplished; new or revised measures resulting from this review have been incorporated.

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 Seal Point Recreation Enhancement Project ensures compliance at the project level.

Distribution

The Seal Point Recreation Enhancement Decision Notice, FONSI and EA are available on the internet at http://www.fs.fed.us/r10/tongass/projects/nepa_project.shtml?project=34770. Notification of the availability of the decision notice was sent to the project mailing list including state and federal agencies, anyone commenting on the project and anyone requesting a copy of this decision. The project mailing list is available in the project record. The DN and FONSI are also available in hardcopy, upon request.

Implementation Date

Implementation of my decision may occur immediately after publication of the Notice of Availability of this decision in the *Petersburg Pilot*, the newspaper of record, in Petersburg, Alaska.

Administrative Review or Appeal Opportunities

As required by Forest Service appeal regulations found at 36 CFR 215.5, a legal notice of the opportunity to comment on the Proposed Action was published in the *Petersburg Pilot* newspaper in Petersburg, Alaska, on April 5, 2012. The 30-day comment period ended on May 7, 2012. No comments expressing concern were received during the comment period; therefore, pursuant to Forest Service appeal regulations at 36 CFR 215.12(e)(1), this decision is not subject to appeal.

Copies of the Environmental Assessment and Decision Notice may be obtained by contacting:

Carin Christensen
Petersburg Ranger District
PO Box 1328
Petersburg, AK 99833
907-772-3871



JASON C. ANDERSON
Petersburg District Ranger



Date

Appendix A – Maps

Figure 2. – Seal Point Selected Alternative Map

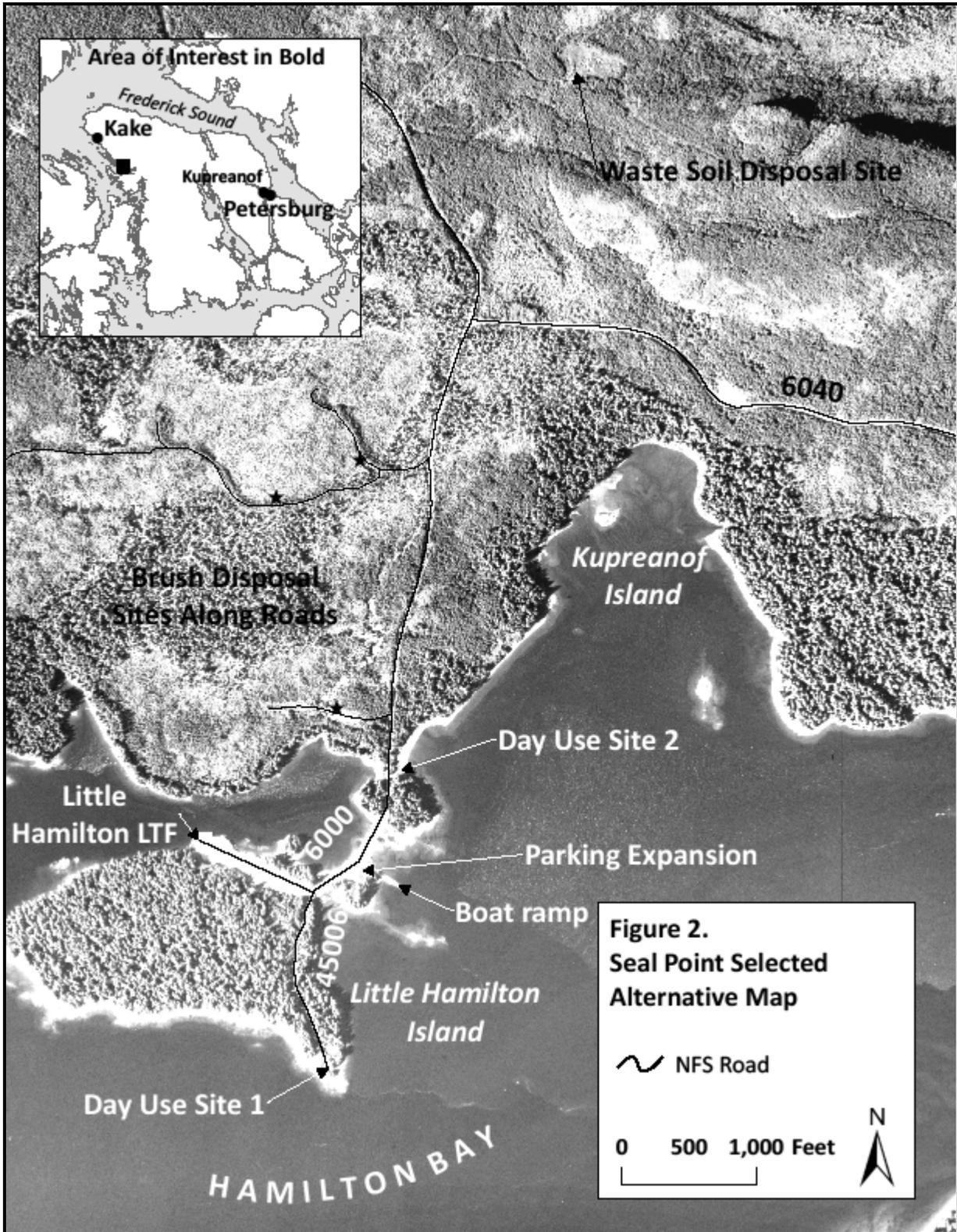


Figure 3. – Seal Point Selected Alternative Boat Ramp and Parking Map

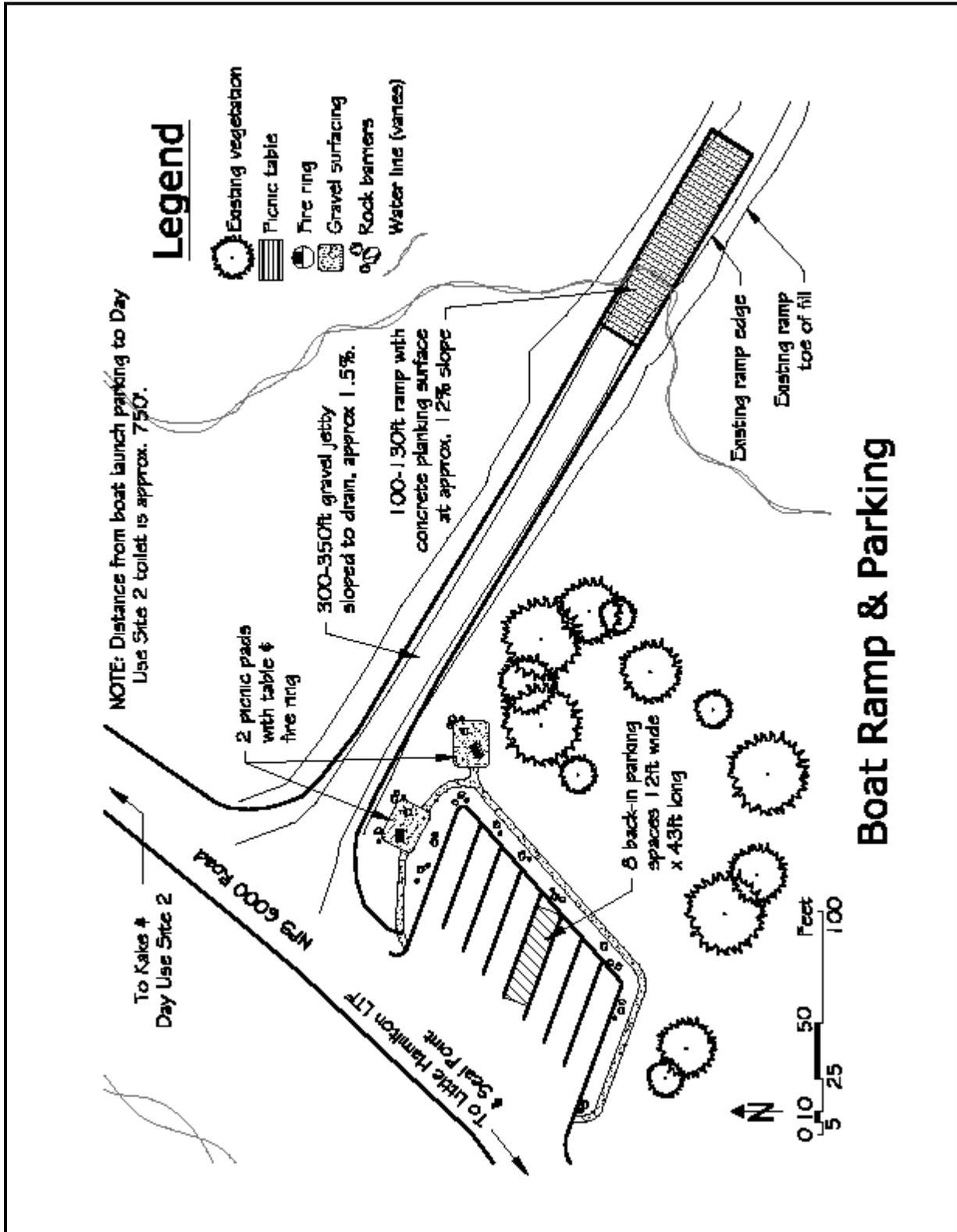


Figure 4. – Seal Point Selected Alternative Day Use Site 1 Map

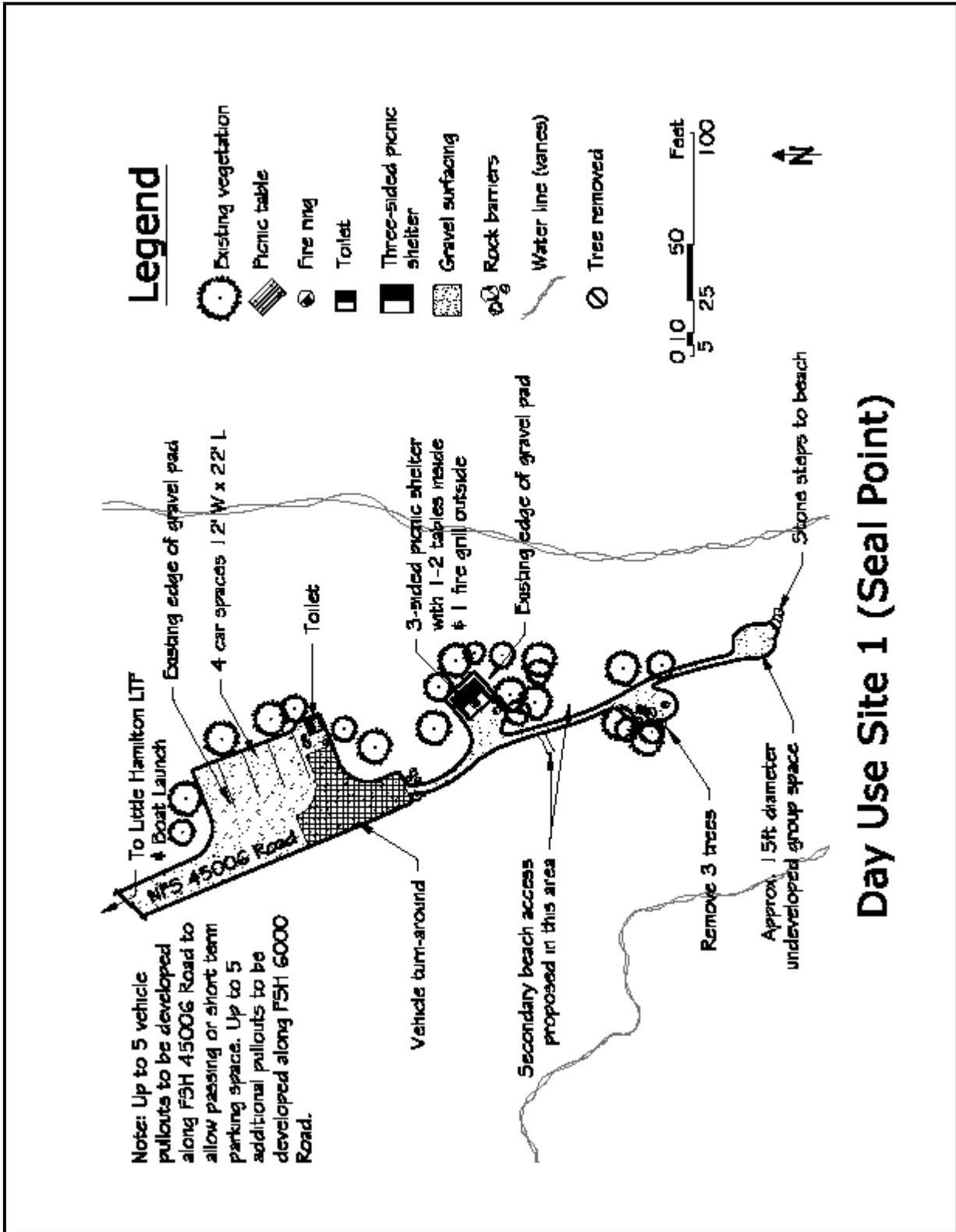


Figure 5. – Seal Point Selected Alternative Day Use Site 2 Map

