



United States
Department of
Agriculture

Forest Service

Tongass
National Forest
R10-MB-713b

May 2012



White Sulphur Springs Bathhouse

Decision Notice and Finding of No Significant Impact

Volume B, Decision Notice/FONSI

Tongass National Forest
Sitka, Alaska



White Sulphur Springs Bathhouse - 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		

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Front Cover: 2007 Photo of White Sulphur Springs Bathhouse.

Printed on Recycled Paper



**DECISION NOTICE
FINDING OF NO SIGNIFICANT IMPACT**

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

WHITE SULPHUR SPRINGS BATHHOUSE

Introduction

The bathhouse at White Sulphur Springs has structurally deteriorated enough to need either removal or replacement. Harsh conditions and age have taken a toll on the building.

White Sulphur Springs is a natural warm spring located in the West Chichagof-Yakobi Wilderness Area, and is exposed to open ocean. The warm springs come from fissures in the bedrock just above the high tide line. It is about 65 miles northwest of Sitka, Alaska, on northwestern Chichagof Island and is accessible by boat. See Figures 1 and 2 for project location. The site can be accessed via float plane by landing in a small nearby lake. However vegetation growing in the lake can make this form of access unreliable. The community of Pelican is 23 miles to the northeast. Beside the bathhouse the site includes a recreation rental cabin, woodshed, and outhouse.

Records show that there has been some type of structure at White Sulphur Springs, since 1917. The recreation site has been impacted from years of use. Invasive plants have been planted or introduced to the site. The existing bathhouse, built in 1966, is perched over bedrock on a foundation of cinderblock piers. The block corners have cracked and crumbled. The rear wall of the bathhouse has extensive rot. Water leaking from the holding tank has kept the sill of the building soaked and has accelerated rot. The holding tank leaks in spite of continued patching. The rafters have fungal growth and all doorways are showing signs of decay. The interior walls of the bathhouse contain carvings of local boat names and from past visitors. The building is currently closed because of its poor structural condition, making it unsafe for use.

The bathhouse at White Sulphur Springs is used by people renting the cabin, outfitter/guides, fishermen, kayakers, campers, and boaters from Pelican and other places visiting for a bath. The cabin is rented, on the average, 86 nights per year. It is the 9th highest use cabin out of 25 cabins on Sitka Ranger District. Approximately 82 guided clients use the bathhouse per year. Guided use is not allowed in the cabin. Unguided day use numbers of the area are anecdotal and estimated at 6 parties per week during the summer months. Groups may use the bathhouse pool or an outdoor warm water pool approximately 30 feet south of 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 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.

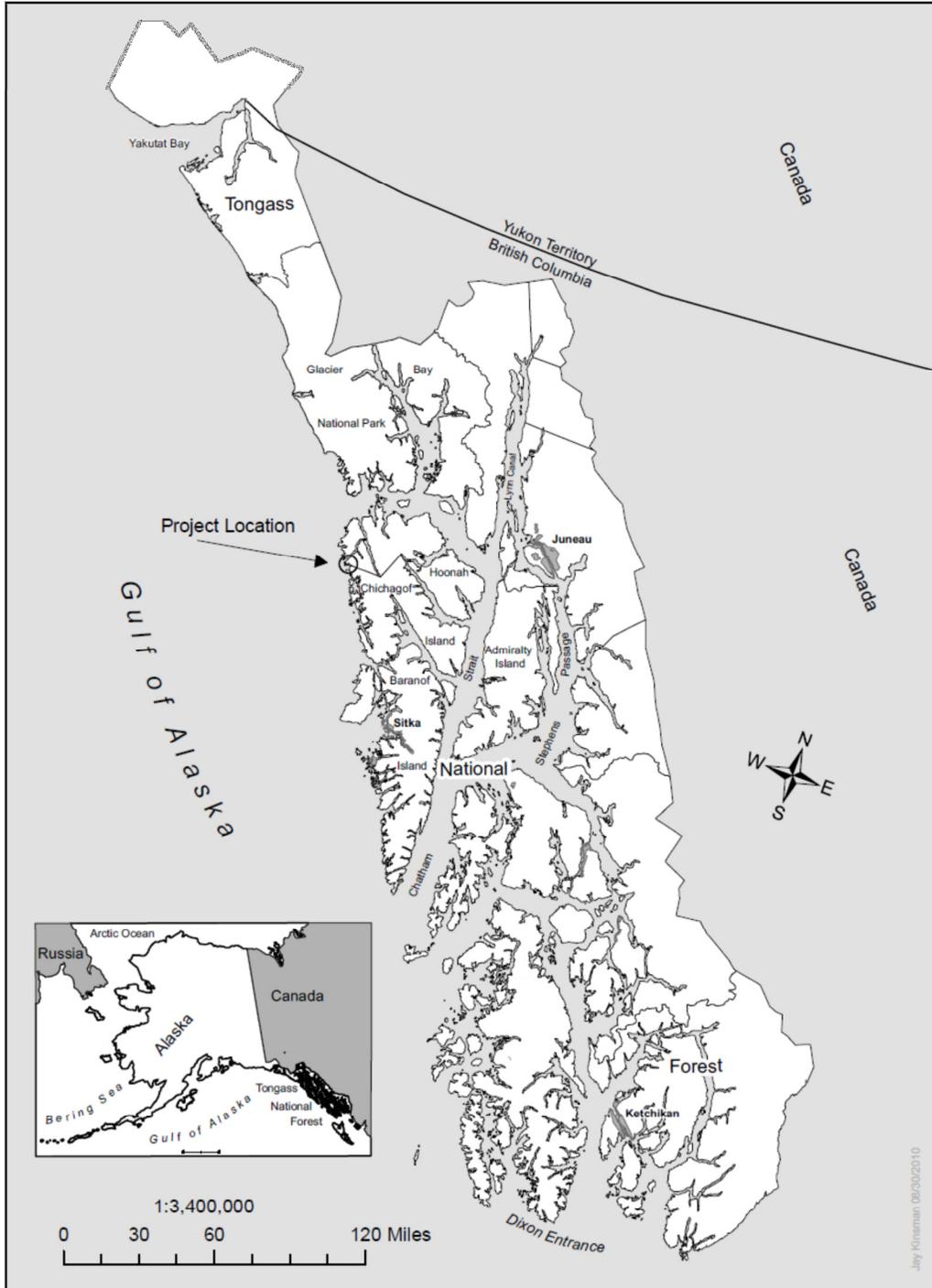


Figure 1. White Sulphur Springs Bathhouse Vicinity Map

DECISION

Based on the Environmental Assessment (EA) completed for this project, as well as comments received during the 30 day public review of the document, it is my decision to select Alternative 1 with modifications for implementation including all project design elements, mitigation, and monitoring described in the EA. Modifications are included as follows:

Document	Foot print (ft²)	Roof Peak Height ¹(ft)	Roof Peak Height (ft)⁴	Changes in Discussion of effects on wilderness between EA and Decision Notice
Existing	374.4	15.6	11	N/A
EA – Alternative 1	423	19.6	15	Degrade untrammeled and undeveloped quality of wilderness (pg 30-33 in EA)
Alternative 1 with Modifications (Selected Alternative in Decision Notice)	352	19	13	No change in wilderness character with management as guided by ANILCA³(see Rational for Decision section in this document, pg 9)

¹ Height measured from outside grade

³ Clarification of ANILCA as guided by Office of General Counsel

⁴ Floor decking to peak

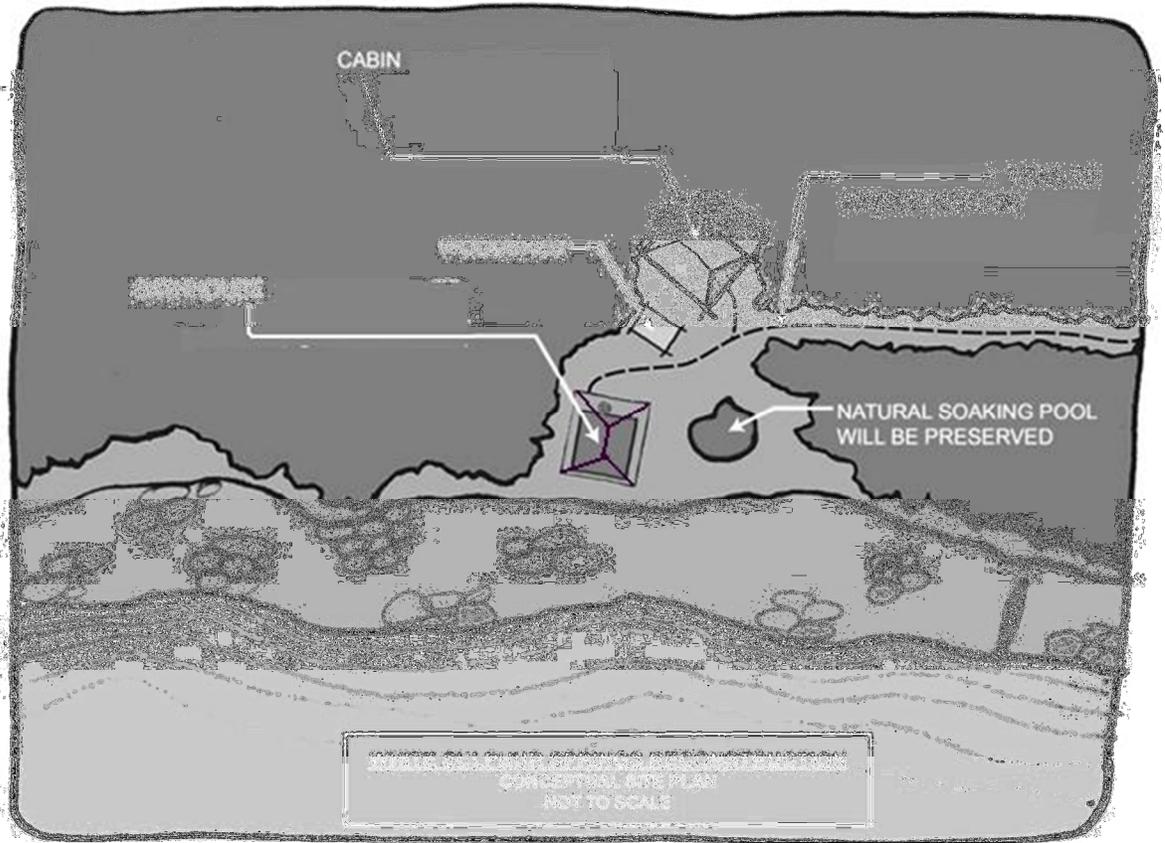


Figure 2. Alternative 1- Replace Bathhouse

Bathhouse

Replace the existing bathhouse, including the concrete soaking pool and holding tank used to fill the soaking pool. The existing 15.6 ft. by 24 ft. Pan Abode style bathhouse structure will be replaced by a 16 ft. by 22 ft. building. See Figure 3 for conceptual drawing of bathhouse. The new bathhouse footprint will be 22.4 square feet (ft²) less than the existing building and 71 ft² less than shown in Alternative 1 in the EA. The roof peak will be 19 ft. above the existing exterior grade at the end of the building facing the ocean and 13 ft. above the interior floor decking. The roof pitch is steeper in the new bathhouse to help shed snow, reducing snow weight on the roof during winter months. The entry way, changing area, and deck on the east side of the building will be accessible. The soaking pool will be reconstructed in its current location. 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. A waterline will lead from the stone basin to the exterior of the bathhouse. When the valve on the waterline is opened, water from the stone basin will flow through the pipe to stop the flow of warm water into the soaking pool to allow cooling of the pool and draining for maintenance.

Connected Actions:

- Boulders collected either from above mean high tide at four area beaches or from a commercial source, will be used to construct the basin and build a mortared stone face along the concrete foundation. Approximately 6.5 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. Stone from the beach immediately in front of the bathhouse will be used to create the collection basin in the bathhouse. Local material is proposed for use due 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.

Design Elements Specific to the Selected Alternative:

- A privacy screen or other structure will be created out of existing bathhouse carving-covered wood if the wood is salvageable; this screen will be installed in the new bathhouse.
- The woodshed decision made in the White Sulphur Springs Cabin, Bathhouse, and Trail Environmental Assessment will be modified within this decision, to eliminate the clothes changing area and will function only as a woodshed and a visual screen.
- The position of the building is slightly shifted to make the entrance to the building closer to the natural ground level to allow access into the building with a short ramp rather than with stairs or a longer steeper ramp.
- The building style will be rustic: large timbers will support the roof and the siding will be rough-cut yellow cedar board-on-board siding with wood framed windows, including the large sliding window facing the ocean.
- A concrete entry step into the pool will be added for easier access by persons with disabilities.

Mitigation Measures:**Invasive plants**

- 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 prior to being transported to the site to avoid contamination by invasive plant seeds or parts. Only aggregate from an active stockpile that is located in a seed-free zone would be used. Notification one week before moving material from the stockpile will be provided to the Forest Service to allow for inspection for weeds.
- 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 from contaminating new sites. 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.

Historic Resources

- The White Sulphur Springs bathhouse (including the holding tank) is considered to be a Historic Property (see the Heritage Resources section in White Sulphur Springs Cabin, Bathhouse, and Trail Environmental Assessment.). Mitigation measures have been developed as a result of the adverse effects caused by the project. Photo documentation of the bathhouse and holding tank, including all elevations and associated features will be taken. Copies of the photo documentation including all existing carvings on the bathhouse interior will be displayed in a binder at the White Sulphur cabin. Additionally, a portion of the existing carved bathhouse wall would be re-used to create a screen in the new bathhouse between the bathing area and the changing area, if the wood is salvageable.
- If unanticipated discoveries of cultural resources or items protected by the Native American Graves Protection and Repatriation Act are discovered during implementation, work will 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.

Wildlife

In July of 1992 a small colony of little brown bats (*Myotis lucifugus*) was documented (West and Swain 1999) at White Sulphur Springs. Anecdotal evidence, in the form of recreational user sightings, indicates that bats have been periodically seen since their initial discovery and as recently as October of 2011. No formal evidence is available to indicate if the colony hibernates at the springs but late season viewing of flying bats and the importance of thermal-heated springs to maternity colonies suggest that winter colonizing is highly likely (West and Swain 1999, Parker et al. 1997).

In general bat species are most susceptible to disturbances during winter hibernation and in the spring-summer when females are approaching the birthing period. Evidence suggests that hibernation in southeast Alaska occurs from October through May (Parker 1996). Mating occurs in late fall but ovulation and fertilization are delayed until spring (late April-May) with birthing occurring in late spring and early summer (late May-June) (Parker 1996). In addition to local risks, nationally, this species of bat has been one of the species most affected by

white nose syndrome (USFWS 2012). This combination of national risk and a lack of information regarding their local biology and habitat use exemplify a need for caution and avoidance during project activities. Bat colonies will be located by the District Biologist prior to construction.

- An adequate buffer will be provided for protection for roosting bats. No activities will occur near the bat colony between September-June.
- If additional bat colonies or individuals are found, work will be stopped in that area immediately and the District Biologist will be notified.
- Bat feeding activity is greatest just after sunset and prior to sunrise. Extra caution will be taken to avoid any actions that will disrupt feeding behavior or affect foraging efficiency.
- 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.
- There are no identified active bald eagle nests in the project area. However, if any bald eagle nests are identified in the project area the District Biologist will be notified immediately. All activities will adhere to the Forest Plan for raptor nests and the MOU between the Forest Service and Fish and Wildlife Service (FWS) regarding eagle nests (U.S Department of the Interior(USDI 2002)). Activities that could cause bald eagles to abandon a nest or young, will be restricted from a 600-foot radius from active bald eagle nest trees between March 1 and August 31.

Miscellaneous

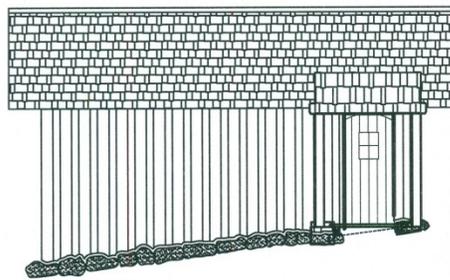
- Proposed activities are expected to take up to 45 days to complete. Activities are expected to occur in 2013, depending on funding and timing.
- Only traditional tools will be used in the project. Hand tools and other non-motorized tools will be used for all demolition and construction activities.
- Stone will only be removed from Federal lands.
- Waste material from construction will be placed so that drainage is not impeded.
- The bathhouse will likely be closed during structural work. Individuals working on the bathhouse 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.

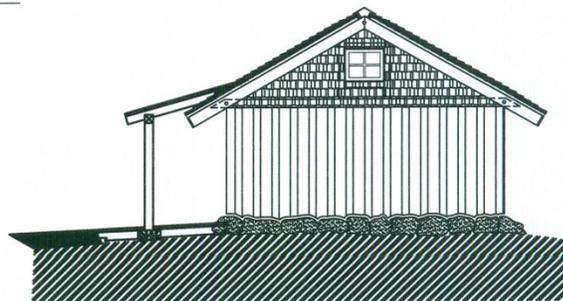
CONCEPTUAL DRAWINGS - NOT TO SCALE



SOUTH WALL ELEVATION



EAST WALL ELEVATION



NORTH WALL ELEVATION

Figure 3 Bathhouse conceptual drawings

RATIONALE FOR THE DECISION

The purpose of this project is to address safety and deferred maintenance concerns at the White Sulphur bathhouse. 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 guided the analysis and my 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 interpretation of the laws and policy involved in this area's management, particularly those that pertain to structures. Interpretation of ANILCA and the Wilderness Act in the EA evaluated these two laws separately from one another. After seeking further interpretation of ANILCA from the Office of General Counsel, I am better able to understand and evaluate how ANILCA guides wilderness management in Alaska. Conditions at the White Sulphur Springs site have included some type of structure since 1917. The existing bathhouse, built in 1966, was in place prior to the designation of the West Chichagof-Yakobi Wilderness in 1980. The bathhouse is an integral part of this recreation site used historically by rural southeast Alaskans. Because of the established, consistent use of the bathhouse and provisions in ANILCA, the bathhouse does not negatively affect wilderness character such as untrammled, undeveloped, and outstanding opportunities for primitive recreation, but retains the current character of wilderness at the site.

Congress enacted the wilderness management provisions of ANILCA expressly recognizing that conditions in Alaska are unique and was careful to note that with respect to lands outside of Alaska, nothing would expand, diminish, or modify the provisions of the Wilderness Act. With respect to wilderness designated under ANILCA(1315(c)), Congress provided that existing public use cabins may continue and may be maintained or replaced subject to restrictions necessary to preserve the wilderness character of the area. In addition, Congress granted authorization for maintenance and new construction of cabins and shelters, necessary for the protection of the public health and safety. Such cabin and shelters will be constructed of materials that blend and are compatible with the immediate and surrounding wilderness landscape, ANILCA(1315(d)). Allowances were also made for means of access to wilderness, such as the use of snow machines, motor boats, airplanes, and non-motorized surface transportation methods for traditional activities and for travel to and from villages and homesites. Such use is subject to reasonable regulations to protect the values of wilderness, but may not be prohibited except in limited circumstances, ANILCA(1110(a)). Congress intentionally allowed for public use of wilderness in Alaska in a manner that is not permitted in wilderness areas in other parts of the United States.

The White Sulphur bathhouse is in close proximity to a public use recreation cabin. The cabin is available for emergency use making the bathhouse not necessary for health and safety purposes. However in 19 reported instances people used both the cabin and the bathhouse for emergency shelter while the cabin was occupied by another party.

The National Historic Preservation Act (NHPA), requires Federal Agencies to take into account the effects of their undertakings and 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") and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. Executive Order (E.O.) 11593 directs Federal agencies to provide leadership in preserving, restoring, and maintaining the historic and cultural environment of the nation.

It is apparent that White Sulphur Springs is important to the communities of Sitka, Pelican, Gustavus, Elfin Cove, and to the trolling fleet fishing the outer coast of Chichagof Island. From information gathered it became evident that what was meant by historic was not the physical attributes of the existing bathhouse but the historical use of a bathhouse; that the bathhouse is an integral part of the site. It has been noted that there was a bathhouse at the springs as early as 1917 and the surrounding communities have known and used the springs in this manner.

I chose the Selected Alternative because Congress intended for these existing uses to be able to continue.

A change in bathhouse size was made from the White Sulphur Bathhouse EA to reduce the footprint of the existing building by 22.4 square feet while providing an accessible facility as required by law. The bathhouse will be accessible for those with disabilities and conform with accessibility standards outlined in the Americans With Disabilities Act (ADA). Section 507 of the ADA pertains to Federal wilderness areas.

I believe the Selected Alternative's Design Elements and Mitigation Measures will provide adequate resource protection or mitigation. For example, the existing bathhouse at White Sulphur is eligible for listing on the National Register of Historic Places, the District brought these design elements forward to the public in scoping under the White Sulphur Springs Cabin, Bathhouse, and Trail EA, worked with the proper consulting agencies to mitigate the adverse effects, and analyzed and disclosed effects in the EA. Photos taken of the bathhouse will provide appropriate documentation and retention of the carvings to be used in the changing room wall will help retain the local fishing culture associated with the bathhouse.

Replacing the bathhouse will affect the wilderness in various ways. The undeveloped characteristic of wilderness may be improved by using Alaska yellow cedar to build the bathhouse. The cedar shake roof and other design elements will blend with, and are compatible with the surrounding wilderness landscape more than the existing structure. Invasive plant populations have been established at the site from years of use by people. Mitigations included in the project take measures to reduce the spread and remove some of these established plant populations and improves the natural characteristic of the site. The bat population at White Sulphur Springs has been present for a long time. Levels of human activity (cabin and shelter maintenance, firewood cutting, people coming and going), have not appeared to affect the bats continued use of the roost area. More than one party at a time typically uses the site, especially during the summer season. The bathhouse provides separation of cabin and bathhouse users and may reduce social encounters. The expectation of solitude by most local users of the site is minimal considering fisherman and nearby community members are the primary users.

Removing the bathhouse (Alternative 2), or taking no action (Alternative 3), as analyzed in the EA, will eliminate the opportunity for rural communities and fisherman to continue the unique existing bathhouse bathing experience that has been a part of family and

community life. Bathhouse removal may also create use impacts. Makeshift shelters may be built over the springs. Temperature decreases during the winter months between the source vent and the soaking pool could become greater due to increased air circulation over an unenclosed pool, discouraging use.

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, completed during the White Sulphur Springs Bathhouse, Cabin, and Trail EA, 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.

ISSUES

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

Forest Service

Removal of the bathhouse would pose an adverse effect to both the tangible and intangible aspects of this Historic Property and contribute to a loss of historical, traditional, and cultural values associated with the use of the bathhouse.

Public Scoping

- The bathhouse would no longer be available for health and safety purposes if it is removed.
- Having a bathhouse in wilderness negatively affects wilderness character such as untrammeled, undeveloped, and outstanding opportunities for primitive recreation. Additionally, reconstructing or replacing a bathhouse in wilderness does not meet the intent of the Wilderness Act and ANILCA.
- The bathhouse is an integral part of the facilities at the site.

ALTERNATIVES CONSIDERED

Table 1 – Summary of Alternatives. A more detailed description (pgs 12-22) and Effects Analysis (pgs 23 - 38) is found in the EA

Alternative	Description
1 Proposed and Selected	Replace bathhouse including the concrete soaking pool and holding tank used to fill the soaking pool.
2	Remove bathhouse and replace with outdoor pool
3 (No Action)	Complete stabilization of the deteriorated structure as funding allows. Facility is expected to be removed when it becomes a safety hazard.

PUBLIC INVOLVEMENT

During the appeal resolution for the decision made on the White Sulphur Springs Bathhouse, Cabin, and Trail EA, it was determined that further analysis would be conducted concerning use of the bathhouse. However, it was agreed that the cabin, outhouse, woodshed, and trail portions of the decision would be implemented. This resolution is documented in a letter from the Tongass National Forest Supervisor dated December 11, 2011 and is located in the project record.

Supplemental information requests concerning this project were sent to 160 individuals and organizations including those individuals who commented during the 30 day comment periods for the White Sulphur Springs Bathhouse, Cabin and Trail project EA. Advertisements were printed in the Daily Sitka Sentinel, the Ketchikan Daily News, and the Juneau Empire in December 2011. Supplemental information requesting historical, customary, and traditional use of the bathhouse and emergency use of the structures on site was gathered. Southeast Alaska community representatives were contacted in Elfin Cove, Gustavus, and Pelican. News Releases were sent to radio stations KCAW and KIFW to encourage public comment. Information was available for distribution at the Sitka Ranger District Office and at the Kettleon Memorial Public Library in Sitka. Supplemental information concerning the bathhouse requested the following from respondents:

1. How often do you use the White Sulphur Springs bathhouse?
2. Have you ever had to use the cabin or bathhouse because of emergency and if so what were the circumstances?
3. Are there customs or traditions that you associate with the bathhouse? Please describe.

4. If the bathhouse were no longer at White Sulphur, but instead an open pool, how would this affect your community or social group?

There were 88 respondents to the above questions. Comments were used in alternative development in the EA.

Additional public involvement records concerning the bathhouse can be found in the White Sulphur Springs Cabin, Bathhouse, and Trail Environmental Assessment. This analysis included comments from 81 respondents, 51 did not want to replace the bathhouse and wanted the site restored to its natural condition. Thirty wanted the existing bathhouse replaced with another structure.

The White Sulphur Springs Bathhouse proposal was first listed in the Tongass National Forest Schedule of Proposed Actions in January 2012.

The proposal has been addressed at monthly Tribal Council meetings with the Sitka Tribe of Alaska. No concerns have been expressed. No comments were received from Hoonah Indian Association.

The Forest Service has consulted with the State Historic Preservation Officer (SHPO) regarding the eligibility of cultural resources recorded as part of this inventory and the effects of this project on those resources. The bathhouse has been determined eligible to the National Register of Historic Places (NRHP). The State Historic Preservation Officer concurred with the determination of Eligibility of this Historic Property. SHPO also concurred with the determination of Adverse Effect for the bathhouse removal or replacement. Mitigations for the previously mentioned adverse effects were proposed in a report to SHPO. The Forest Service has developed a Memorandum of Agreement (MOA) with the SHPO which addresses these mitigations.

In light of the information we received from users of White Sulphur Springs as mentioned above, the Forest Service amended the determination of eligibility to include the use of the site as a Traditional Cultural Property (TCP). SHPO stated further analysis was needed to support the TCP, however, they concurred that the site was eligible under criterion A for the important role it has played in community throughout its history. A letter was sent out to users of the site inviting them to participate in development of additional mitigations. Individuals were requested to respond within 15 days, the comments received mirrored mitigations outlined in the mitigations section of this document and in the MOA.

A legal notice of the 30-day comment period for this project was published in the Ketchikan Daily News, the newspaper of record for the Tongass National Forest, Forest Supervisor, on March 8, 2012. Notices for the 30-day comment period were also placed in the Daily Sitka Sentinel and the Juneau Empire on March 9, 2012.

A news article about the White Sulphur project was published in the Sitka Daily Sentinel on March 15, 2012.

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.

Comments were received both during the 30 day comment period and outside of it. In total 182 people and organizations commented on the bathhouse EA. One hundred and thirty-nine people commented outside of the comment period.

Twenty-eight comments supported the replacement of the bathhouse (Selected Alternative), 68 supported bathhouse removal and development of an open pool (Alternative 2), 75 did not specify an alternative, and 11 wanted the bathhouse removed and the site restored to natural condition.

Summary of Public Comments

Comment

One hundred and thirty-six stated that replacement of the bathhouse was illegal and wrong, but did not mention ANILCA. The same number said that rebuilding the bathhouse in wilderness was a waste of federal funds and that funding could be better used in other places in the wilderness.

Response

The Selected Alternative addresses expending funds to maintain recreational facilities as intended by ANILCA which supports continuing existing buildings in wilderness. The structural condition of the existing building is a safety issue and is a high priority to resolve.

Comment

Ten comments included the important historical and cultural significance of the bathhouse bathing experience.

Response

It is apparent that White Sulphur Springs is important to the communities of Sitka, Pelican, Gustavus, Elfin Cove, and to the trolling fleet fishing the outer coast of Chichagof Island. From information gathered it became evident that what was meant by historic was not the physical attributes of the existing bathhouse but the historical use of a bathhouse; that a bathhouse is an integral part of the site.

Comment

There were 5 comments on the importance of the bathhouse for emergency use when the cabin was occupied. Four people said it was not needed for safety because the cabin could be used in emergencies.

Response

Even though the cabin is available for emergency purposes it is evident from public comment that the bathhouse has also been used in emergency situations.

Comment

Three said the bathhouse was for convenience only and to remove it would decrease use of the site, and as a result, increase solitude. Two said the bathhouse would improve solitude by separating bathhouse users from cabin users.

Response

As reflected in the Wilderness section of the EA, with respect to solitude, social encounters will be reduced between cabin and bathhouse users by building the bathhouse as indicated in the Selected Alternative. A few individuals did respond that they would no longer go to White Sulphur Springs if the bathhouse was removed.

Comment

Concerns about the effects of the bathhouse on wilderness and wilderness character were voiced by six people. Eleven commenters said that all alternatives degrade the undeveloped, untrammled, and unconfined recreation qualities by continuing to have structures and improvements at this site and the bathhouse site should be naturalized.

Response

The Wilderness Act provides guidance that there shall be no structures or installation within any (wilderness) area. However, ANILCA provides that existing public use cabins may continue and be maintained or replaced subject to restrictions necessary to preserve the wilderness character of the area. In the Selected Alternative the new bathhouse will be built using more rustic materials and its design that will blend in more with the natural setting than the existing building.

Comment

Four state that the bathhouse pre-dated the Wilderness designation and suggested that should be a reason for rebuilding the bathhouse. Two comments suggested stabilizing the existing structure. If rebuilding the bathhouse, three suggested that the footprint remain the same as the existing structure.

Response

The Selected Alternative (Alternative 1) was modified to take the building footprint into account. The structure has been evaluated to determine how it can be stabilized until this decision can be implemented. When the West Chichagof –Yakobi became Wilderness in 1980, the bathhouse and cabin were both in place and being used by local citizens.

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 EVALUATION

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.

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 (ESA) 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 bathhouse has been found to be eligible to the National Register of Historic Places. We received concurrence from the State Historic Preservation Officer (SHPO) on our determinations of eligibility for the bathhouse site, and with our determination of Adverse Effect for this project. The Forest Service has executed a Memorandum of Agreement with SHPO which addresses mitigations for the adverse effects of this undertaking.

The determination of eligibility has been amended to include eligibility under Criterion A for its importance to the communities that have historically used the site.

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 Best Management Practices (BMP)s, 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 (EO) 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 (NRHP). This evaluation has been done in consultation with the Alaska Office of History and Archaeology. The bathhouse was found to be eligible to the NRHP during inventory. This undertaking will have an adverse affect on this historic property. 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 for the adverse affects of this undertaking.

Executive Order 11988

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

Executive Order 11990

No wetlands will be impacted by this project. There are no wetlands in the project area.

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

The District Ranger, staff, 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 Tribe. The proposal was provided to local Tribes and Tribal Corporations in 2007 for comment during scoping for the White Sulphur Springs Cabin, Bathhouse, and Trail EA. No comments were received.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act of 1996 requires consultation with the National Marine Fisheries (NMFS) on activities that may adversely affect Essential Fish Habitat (EFH). This project will not adversely affect EFH (see the fisheries section of the White Sulphur Springs Cabin, Bathhouse, and Trail EA); therefore, no further consultation with NMFS is required on this project.

Additional References Cited

Parker, D.I. 1996. Forest ecology and distribution of bats in Alaska. M.S. Thesis. Univ. of Alaska, Fairbanks. 73 pp.

Parker, D.I., B.E. Lawhead, and J.A. Cook. 1997. Distributional limits of bats in Alaska. *Arctic* 50:256-265.

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.** Rural communities adjacent to the West Chichagof-Yakobi Wilderness benefit from the recreational opportunities related to the bathhouse. Customary and traditional uses related to the bathhouse will continue. Replacing the bathhouse will not change the effect on undeveloped and unconfined qualities of the wilderness character since the bathhouse was there prior to wilderness designation and wilderness management as guided by ANILCA. (See EA pages 31-34)
- 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 and bathhouse are available 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. However, because the existing building is structurally compromised and unsafe for use, the Selected Alternative will benefit safety of the site by replacing the building. For these reasons, I have determined there will be no significant effects on public health and safety. (See EA pages 25-33)
- 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 a federally designated wilderness area, West Chichagof-Yakobi Wilderness Area, though mainly in beneficial ways. There will be an “adverse effect” (36 CFR 800.5) to a historic property by removal of the existing bathhouse as documented in intensity of effect number 8 of these findings. An MOA has been developed to mitigate this adverse effect. (See EA pages 34-35)
- 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 is likely due to this action. Public comment indicated that people both support replacement of the bathhouse and removal of the bathhouse. Proponents of removing the bathhouse were concerned about the

effects on wilderness character. Congress provided that existing public use cabins may continue and may be maintained or replaced subject to restrictions necessary to preserve the wilderness character of the area. Because wilderness management is guided by ANILCA and the decision meets the intent of ANILCA, there will be no significant effects.(See EA Page 5), (See Page 9 of this DN)

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. Based on the analysis in the EA I have determined that there are no significant impacts due to uncertainty or a possible 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 meets the intent of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), it would not likely establish a precedent to affect this direction. I have therefore determined the Selected Alternative would not set 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.** The White Sulphur Springs cabin, woodshed, and outhouse will be replaced in 2012. At some time in the future as funding allows, the trail from Mirror Harbor to the warm springs will be reconstructed as disclosed in the White Sulphur Cabin, Bathhouse, and Trail project EA. The bathhouse replacement work in the Selected Alternative will most likely not commence until 2013. Camping may still occur at dispersed sites and the outdoor springs will be available for use. This project will increase the period of time that recreationists at the site will be displaced and the time window that bats will be exposed to construction activities, however no other projects in the area are planned. Mitigations listed in the EA will minimize effects on the bat, bald eagle, and goshawk populations, making these cumulative impacts not significant. (See EA pages 29-38)
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 is an “adverse effect” (36 CFR 800.5) to an historic property by the removal of the existing White Sulphur Springs bathhouse. The Forest Service has notified the Advisory Council on Historic Preservation of the finding of adverse effect and invited them to be a consulting party in the resolution of adverse effect. The Forest Service has developed a Memorandum of Agreement (MOA) between the Alaska State Historic Preservation Officer and the Tongass National Forest which addresses mitigations for the resolution of adverse effect of this proposed action. The MOA will be executed and implemented and the agency official shall insure that he undertaking is carried out in accordance with the MOA.

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 37-39)
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, Bathhouse 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

Carol A. Goularte
Sitka District Ranger
204 Siginaka Way
Sitka, AK 99835
(907)747-6671



5.29.2012

FORREST COLE

Date

Tongass National Forest Supervisor