FINAL DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

FOR THE

IMPROVEMENTS FOR NECK LAKE AND EL CAPITAN CAVE ROADS ENVIRONMENTAL ASSESSMENT

U.S. FOREST SERVICE
TONGASS NATIONAL FOREST
THORNE BAY RANGER DISTRICT
PRINCE OF WALES ISLAND, ALASKA

DECISION

Based upon my review of the Improvements for Neck Lake and El Capitan Cave (NLECC) Roads (the project) Environmental Assessment (EA), I have decided to implement the proposed action (Selected Alternative), including all of the design elements and standards, best management practices (BMPs), resource protection measures, and monitoring. The Selected Alternative provides for improvements to the existing 21 miles of road between Whale Pass and El Capitan Cave and for recreation area enhancements to the Neck Lake picnic area and boat launch. Project components would include widening the existing road, providing increased visibility and turnouts, and improving upon the gravel roadway with a chip-seal surface. Recreation area improvements would include signs, a picnic shelter, and an improved boat launch. Construction of a vault toilet is planned and would be contingent upon long-term maintenance funding. The project is located on the northern portion of Prince of Wales (POW) Island, is approximately 128 acres in size (inclusive of the existing road corridor), and requires up to 62 acres of currently unaffected lands. The project area includes lands in federal, state, and private ownership.

Improvements to the roadway are proposed in segments, each requiring its own combination of the components noted above. A figure showing the road segments is provided in the EA (Figure 2). All segments would undergo improvements to make the roadway more uniform; it could be as wide as two 11-foot lanes with 3-foot shoulders or as narrow as a single lane with turnouts visible from either direction. Roads would be reconstructed within the existing corridor to reduce environmental impacts and minimize construction costs. Additionally, final engineering design would strive to use materials developed from within the traveled way and to maintain natural drainage patterns and fish crossings. Undersized stream and drainage crossing structures would be replaced, and additional culverts would be added; some bridges may need to be replaced.

Construction along the corridor would result in temporary impacts in the form of detours and traffic delays, for which a temporary traffic control plan will be implemented and communicated to the POW Island residents, with emphasis on Whale Pass community members. Construction activities include blasting, ground disturbance, occupation, and clearing—all activities evaluated in the EA. All required permits will be obtained prior to beginning construction. Construction of the segments will be based on funding availability, and may occur over multiple seasons. The estimated initial cost to construct the Selected Alternative is approximately $60 million. Construction of the improved recreation facilities at the Neck Lake picnic area and boat launch are estimated to cost $80,000–$100,000.

All project components align with existing management plans within the analysis and affected areas, and are subject to applicable permits as required by federal and state entities.

This final decision notice contains a brief summary of the environmental analysis completed for the project, the preliminary decision regarding which alternative to implement, and the rationale for that decision. Findings as required by applicable laws and regulations are also included. The EA for this project is incorporated by reference, and is included with this document.

DECISION RATIONALE

I have chosen the Selected Alternative after careful consideration of the provided alternatives and how each serves the purpose and need for the project, the existing conditions and affected environment, the relevant issues and concerns, and the public comments. My rationale is based on the environmental analysis as presented in the EA and on corresponding resource reports, as well as a review of the project record, which shows a thorough analysis using the best available science.

The purpose and need of this project aim to support current and future transportation systems, principally in the current and draft *Southeast Alaska Transportation Plan* (SATP) (Alaska Department of Transportation and Public Facilities [ADOT&PF] 2004, 2014); improve the physical and operational features of the existing roads; reduce maintenance efforts and cost; support economic development with efficient access to North POW Island; improve access to recreational and subsistence activities; and provide a reliable link from North POW Island to the rest of the island. Two alternatives (the no action and the proposed action) were evaluated against the purpose and need, and further evaluated for environmental effects and impacts within the EA.

The no action alternative as defined in the EA (page 21 of the EA) would not meet the purpose and need as defined above. It is synonymous with the existing conditions as evaluated in the EA, and selecting this alternative would result in continued adverse travelling conditions for users and less-desirable conditions for these resources evaluated in the EA: aquatic resources, public services, recreation, socioeconomics, and transportation.

The Selected Alternative (the proposed action) is specifically designed to meet the purpose and need, the elements of which are described in the EA as follows:

- **Support current and future transportation systems:** Roads identified for improvement are identified as “essential corridors” within the current and draft SATP (ADOT&PF 2004, 2014), and improvements would support the goal “to develop and manage roads and utility systems to support resource management activities and recognize the potential for future development of major Transportation and Utility Systems…” as stated in the *Tongass National Forest Land and Resource Management Plan* (Forest Plan; Forest Service [Forest Service] 2008a:2-8).
- **Improve the physical and operational features of the existing roads:** Road improvements as proposed in the Selected Alternative would address the traveled way’s existing tight curves, limited shoulders and pullouts, stretches with no guardrails, and surface washboarding. Improvements would improve safety, travel time, and access for users.
- **Reduce maintenance:** By resurfacing the roadway with a chip-seal, it would increase durability of the road and reduce the amount of maintenance that is currently required to retain the road in a drivable state.

- **Support planned economic development with efficient access to North POW Island:** Current road conditions can limit economic development opportunities in the northern part of POW Island. The inefficient travel time due to road conditions is not optimal for tourists and visitors seeking to recreate in the area.
- **Improve access to recreational and subsistence activities:** Roads evaluated are currently used to access recreational areas, but are also used to access subsistence resources on the island despite the adverse travelling conditions. Improvements would allow for increased safety and more efficient access by users to enjoy karst and cave features and scenic beauty, hunt, fish, boat, and engage in other activities that encourage economic development within the region. With respect to recreation, enhancements to the Neck Lake picnic area and boat launch will also provide users with an improved experience.
- **Provide a reliable link from North POW Island to the rest of the island:** Road improvements will allow for decreased travel time to other POW Island communities relied upon for necessary supplies such as groceries and personal items. They would also provide quicker access to medical facilities for routine medical services and emergency care.

Effects (past, current, and reasonably foreseeable future) from implementation of both alternatives were evaluated against multiple resources within the EA: air quality; aquatic resources; cultural, historical, and paleontological resources; geology and minerals; hazardous waste sites; land use and right-of-way (ROW) acquisitions; noise; public services and utilities; recreation; scenery; socioeconomics; soils; subsistence use; transportation; vegetation and wetlands; and wildlife.

Special consideration was given to safety, transportation, public services and utilities, scenery, subsistence use, and wildlife resources.

As described in the finding of no significant impact (FONSI) Criterion 2 (on pages 5 and 6 of this final decision notice and FONSI), there would be beneficial long-term safety and transportation improvements from the Selected Alternative, but there would also be communication and planning prior to implementation to minimize construction impacts to road users (from detours, delays, and uneven road surfaces), and to public services and utilities such as drinking water sources and overhead power and telephone poles.

The Selected Alternative achieves the purpose and need while not significantly affecting scenery, subsistence use, and wildlife resources as discussed in further detail in FONSI Criterion 7 (page 9 of this final decision notice and FONSI). Although the no action alternative would not affect these resources, it would also not meet the purpose and need.

PUBLIC INVOLVEMENT

The proposed action was originally listed on the Tongass National Forest Schedule of Proposed Actions (SOPA) (January 2015) and the SOPA was updated quarterly during the analysis. The Forest Service maintains a project website (http://www.fs.fed.us/nepa/nepa_project_exp.php?project=46067) that provides access to project documents and announcements regarding the status of the project. People were invited to review and comment on the proposal through notices in the local newspaper, the Ketchikan Daily News, the radio station, through formal public scoping during scoping (January–February 2015) and during the EA public comment period (February–March 2016).

A scoping document was provided via mail, email, and the Tongass National Forest SOPA on January 5 and 6, 2015, opening the 30-day scoping period through February 6, 2015. Public scoping meetings were held in Naukati, Whale Pass, and Craig, Alaska, and a presentation was given at a Prince of Wales Community Advisory Council (POW-CAC) meeting in Hydaburg, Alaska. The EA was released on February 16, 2016, opening the 30-day comment period through March 18, 2016. A public meeting and subsistence hearing were held on February 24, 2016, in Whale Pass, Alaska.

The EA lists agencies, tribal entities, and other parties consulted and can be found in the *Improvements for NLECC Roads EA Scoping and Issues Report* (available at the project website). A detailed description of the approach to public involvement for the EA can be found in the *Improvements for NLECC Roads EA Public Involvement Plan* (available in the project record).

I have reviewed all comments received for this project. Commenters provided an array of support for and opposition to various elements of the project; these and the responses to all comments are available online at the project website and documented in the project record. In response to public comments, additional analyses were included in the EA regarding impacts (including cumulative impacts) to subsistence use and wildlife resources (including deer and wolves). Public comments identified that Segments 1 and 2 of the Selected Alternative currently have year-round access due to snow plowing provided by the Whale Pass Community Association. Public comments emphasized the need for the Forest Service and ADOT&PF to work closely with private landowners and road users regarding ROW acquisitions and the traffic control plan.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Based on the information presented in the EA, the FONSI is prepared to summarize the reasons why an action will not have a significant effect on the human environment. If it is determined that the actions proposed may have a significant effect on the quality of the human environment, an environmental impact statement (EIS) will be prepared (40 Code of Federal Regulations [CFR] Chapter V 1508.13). The FONSI considers the Selected Alternative in the context of the affected environment in which it would occur and its intensity, or severity, of the impact. The intensity of the action is considered by addressing 10 significance criteria and their expected impacts (see 40 CFR 40 Chapter V 1508.27). In preparing this FONSI, I have determined that the Selected Alternative will not have a significant effect on the quality of the human environment; therefore, the preparation of an EIS is not needed. As presented below, I considered the context and intensity of the actions proposed within the Selected Alternative based on what is disclosed in the *Improvements for Neck Lake and El Capitan Cave Roads EA*.

Context

Context refers to the affected environment in which the actions would occur. This means the significance of an action must be analyzed in several contexts, such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the actions that are proposed. For instance, 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 (40 CFR 1508.27(a)). Both short- and long-term effects are relevant.

The local context of the project is the site-specific locations where actions would occur within the project area, which is located on selected roads of the northern portion of POW Island. The existing roads (National Forest System Roads [NFSRs] 1500000, 2000000, 2500000, 3000000, and 3065000) were constructed as single-lane logging roads with a gravel or rock surface. The roads have tight curves, limited shoulders and pullouts, portions without guardrails, and substantial washboarding, which all

contribute to adverse traveling conditions. The project would include improvements to these roads and an upgrade to the recreation facilities at the Neck Lake picnic area and boat launch in the Thorne Bay Ranger District (TBRD) of the Tongass National Forest. Improvements under the Selected Alternative include road reconstruction, realignment, and curve widening along 21 miles of existing unimproved roads heading east and north from the Neck Lake junction with State Highway 920 (also referred to as Forest Highway 43). The existing roads meet American Association of State Highway and Transportation Officials (AASHTO) 15-mph to 25-mph design speeds (AASHTO 2001). The improvements would be a fully AASHTO-compliant reconstruction for a 25-mph to 30-mph design speed (AASHTO 2001). The proposed improvements would include a chip-seal surface and would allow vehicles to pass safely in two directions, either by constructing turnouts (visible from either direction) or by widening the roads to two lanes. The additional lane width would accommodate a range of vehicles and drivers that are not familiar with safe driving practices for single-lane roads. Higher design speeds would also allow for more-efficient travel to North POW Island and increased economic development potential in Whale Pass. Larger pullouts would allow for improved recreational and subsistence use access. Improvements at the Neck Lake picnic area and boat launch would include signs, a picnic shelter, and an improved boat launch. Construction of a vault toilet is planned and would be contingent upon long-term maintenance funding.

The discussion of the 10 significance criteria that follows applies to the Selected Alternative (referred to as the proposed action in the EA) within the context of local importance. The NLECC Roads EA details the effects of the Selected Alternative. The scale of the project is not indicative of significant effects, and none of the effects identified in the environmental analysis—including direct, indirect, and cumulative effects—are considered to be significant.

Intensity

Intensity refers to the severity of impact. The following 10 criteria of significance and their expected impacts in a local context (as described in the section above) are considered in evaluating intensity.

Criterion 1: Impacts may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that, on balance, the effect will be beneficial.

Consideration of the intensity of environmental effects is not biased by beneficial effects of the action such as improved safety. None of the environmental effects discussed in the EA and the resource reports are considered significant. How I considered both the beneficial and adverse effects of this action is outlined in the Decision Rationale section on pages 2 and 3 of this final decision notice and FONSI. Effects determinations and supporting analysis are provided in the Environmental Impacts of the Proposed Action section of the EA (beginning on EA page 24).

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

I have determined that the Selected Alternative would not significantly affect public health and safety based on the following:

- Improvements would increase safety because the road would be wider and have turnouts where vehicles would be visible from either direction. Chip-seal surfacing has several advantages over aggregate surfacing. A smoothed traveled way with painted centerlines and fog lines enhances safety and the quality of the ride for vehicle occupants. A chip-seal surface requires less maintenance than does an aggregate surface, and is more resilient to the effects of snowplows during snow removal operations.

- A Traffic Control Plan would be implemented during construction to keep traffic moving along North POW Island roads as efficiently and safely as possible. The plan would include notification to the public of any construction activities and detours that would affect travel along the roads. Input provided during the EA public comment period, based on past residents' experiences with POW Island road improvements, will be considered in the development of the Traffic Control Plan.
- Temporary road closures, delays, and detours would occur during the construction of the improved road. This would temporarily affect emergency service providers who use these roads to access the medical center in Craig and the people being transported by these providers. Prior to construction activity, the anticipated construction road closures would be coordinated with local fire departments, Alaska State Troopers, and other first responders via a temporary traffic control plan to avoid substantial delays in response times. Unless bridges were actively being replaced, it would be possible for emergency vehicles to be escorted through the active construction zone. Following construction, emergency response times are expected to decrease due to the improvements of the roads and improved safety, which would provide an increase in safe and timely medical treatment for the community of Whale Pass.
- The Selected Alternative would affect four permitted drinking water sources. Prior to implementation, efforts would be made to coordinate with both permitted and non-permitted drinking water users, in order to avoid disruption to their water supply during construction.
- Overhead power and telephone poles could be affected during road construction, because some of them would need to be relocated to accommodate road widening. A determination of the number of poles and miles of power line affected has not been made at this time; however, disruption from relocations to utility services during construction would be expected to be minimal. All affected power utility customers would be contacted prior to construction.

Criterion 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.

I have determined that there will be no significant effects on any unique characteristics of the area based on the following.

- There are numerous anadromous (17) and resident (14) fish streams in the vicinity of the Selected Alternative that would not be affected because of implementation of design features, BMPs, and resource protection measures (pages 32 and 33 of the EA).
- Evidence suggests that because of the lake and ocean shorelines in the vicinity of the Selected Alternative, this area has been occupied since prehistoric times with 20% of the area of potential effects (APE) modeled as high sensitivity for cultural resources (page 36 of the EA). See Criterion 8 (pages 9 and 10 of this final decision notice and FONSI) for a discussion of how significant impacts to cultural resources in this area would be avoided.
- Temporary construction impacts to developed and dispersed recreation sites (including the Neck Lake picnic area and boat launch, Beaver Falls Karst Interpretive Trail, and El Capitan Cave) are discussed on pages 51 and 52 of the EA. During construction there could be detours resulting in delayed travel times to these sites or short periods when access to these sites would not be available (i.e., when construction is actively blocking their entrances).
- There are no prime farmlands or wild and scenic rivers that would be affected by the Selected Alternative.

- No unique wetlands would be affected by project implementation, and any existing wetlands have already been affected by the existing road. Additionally, appropriate steps would be taken to minimize adverse impacts including avoidance and minimization activities and, if necessary, compensatory mitigation (pages 78 and 79 of the EA).
- Approximately 36% of the analysis area is in high-vulnerability karst areas. The intersection of NFSRs 2000000 and 2700000 currently drains into karst springs. This intersection would be realigned, and this realignment would ultimately decrease the likelihood of collisions that could release automotive fluids into surface waters and adversely affect karst resources. To avoid significant impacts to karst areas from physical disturbances, the Forest Service adheres to management guidelines from the Forest Plan (Forest Service 2008a) and the *Soil and Water Conservation Handbook* (Forest Service 2006) (see pages 12 and 16–17 of the EA).
- Impacts (including cumulative impacts) to scenery resources would not be significant because impact-reduction measures under the Selected Alternative would be implemented and because these past projects (e.g., roads, timber harvest, and recreation improvements) are already part of the existing landscape character (pages 55–59 of the EA).
- Segment 3 under the Selected Alternative intersects 39 acres of an Old-Growth Habitat Reserve (OGR) land use designation (LUD). Although new road construction is generally inconsistent with this LUD's objectives, the Forest Plan allows reconstruction of existing roads to meet LUD objectives (Forest Service 2008a) (page 44 of the EA). The intersected OGR covers a total of 2,053 acres and is contiguous with OGRs to the north and south for a total of 4,329 acres. The impacts to these OGRs would not be significant, because less than 2% of the intersected OGR would be affected and less than 1% of the total 4,329-acre contiguous OGRs would be affected.
- As described on pages 80 and 83 of the EA, the Neck Lake area between Whale Passage and El Capitan Passage is identified in the Forest Plan as one of six key "pinch points" on the Tongass National Forest (Forest Service 2008a). This is an area "where future alterations could significantly reduce natural connectivity and limit the ability of land-based species to disperse or migrate" (Forest Service 2008a:3-222). The OGRs in this area provide some connectivity through this pinch point (see Figure 2 in the EA). Because the Selected Alternative is an existing road and Segments 1 and 2 currently have year-round access, the only change under the Selected Alternative is the potential for up to two additional months of human access (i.e., increasing to year-round access) on Segment 3 through this key pinch point. This potential additional human access would not result in significant impacts to this unique area.

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

I have reviewed all comments received for this project, the analysis documented in the EA, and the project record. The effects on the quality of the human environment are not likely to be highly controversial. There is no known scientific controversy over the impacts of the Selected Alternative.

The management of national forests can be controversial, but any such controversies are rarely about scientific issues. Commenters provided an array of support for and opposition to various elements of the project; all comments and the responses to them are documented in the project record. The Selected Alternative was designed to meet the purpose and need of the project, considering all relevant Forest Plan objectives, goals, standards, and guidelines.

See pages 67–69 of the EA for the analysis supporting the conclusion that impacts to subsistence use would not be significant. Under the Selected Alternative, deer harvest (representing hunter demand) as a percentage of deer habitat capability (DHC) would be reduced by 0.04% in Wildlife Analysis Area (WAA) 1527 and 0.05% in WAA 1530; these reductions are unlikely to result in a significant restriction of subsistence use.

See pages 83–88 of the EA for further analysis supporting the conclusion that impacts (including cumulative impacts) to wildlife (including deer and wolves) and wildlife habitat would not be significant. See FONSI Criterion 7 on page 9 of this final decision notice and FONSI for a discussion of why significant impacts to wildlife habitats, especially productive old-growth, would not occur under the Selected Alternative, including when combined with reasonably foreseeable future projects.

There is a Forest Plan standard and guideline for each WAA to "where possible" have a modeled DHC that would support 18 deer per square mile (Forest Service 2008a:4-95). See page 84 of the EA regarding these WAAs having modeled DHC at the stem exclusion stage lower than the Forest Plan standard: 13.3 (WAA 1527) and 13.0 (WAA 1530). However, falling below the 18 deer per square mile does not in itself imply viability concerns for wolves. Where alternative prey is available, wolves may persist on salmon, beaver, and bear (Person et al. 1996). This information was taken into account as part of the wolf viability panel assessment conducted in 1997, which concluded there is a high relative likelihood that wolf populations would remain viable and well-distributed even with gaps in wolf distribution caused by locally low deer populations or high harvest of wolves (see Iverson 1997 for a more detailed discussion).

The Alaska Department of Fish and Game (ADF&G) is responsible for wolf hunting and population management. A 20% cap of the fall population on wolf harvest in Game Management Unit (GMU) 2 was designed by the ADF&G to prevent serious declines in the wolf population. Both the ADF&G and the Forest Service can put into effect the emergency closure on wolf harvest if the sealing data indicate that the 20% harvest cap has been reached or exceeded. When including estimated illegal take, there is the potential that the landscape analysis area is experiencing chronic unsustainable harvest at a level that could lead to pack depletion. Wolves are highly mobile and follow their prey source (deer); it is likely that wolves are moving throughout POW Island. Also, ADF&G will continue to annually adjust the harvest cap level to manage for a sustainable population. This is further discussed on pages 84 and 85 of the EA.

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

The Forest Service has considerable experience with actions like the one proposed. The EA discloses the direct, indirect, and cumulative effects of the alternatives and is based on the best available information. See the Environmental Impacts of the Proposed Action section for all resources in the EA (pages 22–88 of the EA) and individual resource reports in the project record. Those effects do not indicate uncertain, unique, or unknown risks. Additionally, to reduce risk to resources, my decision includes design elements, BMPs, and resource protection measures (pages 9–18 of the EA). Therefore, I have determined that there are no highly uncertain, unique, or unknown risks from the Selected Alternative.

Criterion 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.

Since 1997 the Tongass National Forest has conducted 8 similar projects. The Selected Alternative does not establish a precedent for future actions with significant effects. Any future action(s) not covered by this project, whether related to the actions in this project or separate, will consider all relevant scientific, site-specific information available at that time and be subject to the appropriate National Environmental Policy Act (NEPA) analysis that will consider the direct, indirect, and cumulative effects of other past, present, and reasonably foreseeable actions. The effects of the Selected Alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions (see the cumulative effects analysis for each resource in the Environmental Impacts of the Proposed Action section of the EA (pages 22–88 of the EA). The final decision is within the scope of the Forest Plan and is not expected to establish a precedent for future actions.

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

In the foreseeable future, the Forest Service, State of Alaska, and private landowners plan to continue timber harvest in the analysis area, potentially enhance recreation elements within the analysis area (see page 23 of the EA), and perform maintenance on the improved road segments. Based on project design and available scientific and future project information, these potential future actions, when combined with the Selected Alternative, will not have a significant impact to air quality; aquatic resources; cultural, historical, and paleontological resources; geology and minerals; hazardous waste sites; land use and ROW acquisitions; noise; public services and utilities; recreation; socioeconomics; soils; transportation; and vegetation and wetlands. Future projects with potential impacts to these resources would be required to comply with the Forest Plan and any federal, state, or agency regulations, as applicable.

Special consideration for this determination was given to scenery, subsistence use, and wildlife resources, and is discussed below.

The Selected Alternative (when combined with the reasonably foreseeable future projects) would maintain moderate Existing Scenic Integrity along all segments with incorporation of measures from Table 16 of the EA (pages 58 and 59) into the project's design elements (page 12 of the EA). Because the existing landscape character would be retained, there would not be significant cumulative impacts to the scenic areas of concern, as discussed on page 55 of the EA.

During construction of the proposed future recreation enhancements and timber harvest and hauling, subsistence users could be temporarily displaced or disturbed, and access to subsistence use areas could be reduced. Over the long term, these recreational enhancements could increase human use of the analysis area, which could affect access to and competition for subsistence resources in those areas; and timber harvest could affect wildlife abundance and availability. If additional roads are opened or constructed in support of timber harvest, access to subsistence resources could be increased. Competition for resources could increase if subsistence users displaced by timber harvest move into areas occupied by other subsistence users. These reasonably foreseeable future projects, timber harvest, and access management combined with the Selected Alternative would not result in a significant possibility of a significant restriction of subsistence uses. Additional analysis for this finding was added to pages 67–69 of the EA.

Wildlife resources, especially old-growth-dependent species, evaluated within GMU 2 may experience amplified impacts associated with past timber harvest and habitat affected by current and future harvest and recreation projects when combined with the Selected Alternative (see pages 83–88 of the EA). However, given the available unaffected productive old growth habitat in the landscape analysis area (40,236 acres, or 89%) and on the island outside of the analysis area, the addition of these projects, when combined with the Selected Alternative (5,097 acres, or 11% of the analysis area), would not result in significant cumulative impacts (see pages 83 and 84 of the EA). See also FONSI Criterion 4 on pages 7 and 8 of this final decision notice and FONSI.

Criterion 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 (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources.

Evidence suggests that this area has been continuously occupied beginning as far back as 9,000 years ago. In summer 2015, a reconnaissance archaeological survey was conducted within the APE for the project. During this survey, archaeologists identified, recorded, and obtained Alaska Heritage Resources Survey numbers for eight new sites, in addition to expanding the boundaries of one previously recorded site (LEI Engineering & Surveying, LLC 2015). In the summer of 2016, Forest Service staff completed an intensive survey in the APE. The results of both surveys identified a total of six (6) eligible historic

properties within the APE. The Forest Service has determined that none of the historic properties will be adversely affected if Forest Service policy is followed, four (4) of the historic properties will require avoidance for the determination of No Adverse Effect, and two (2) will require minor design changes to achieve a No Adverse Effect determination.

Because in any given survey, regardless of intensity, it is impossible to detect all subsurface deposits that are indicative of cultural remains, a qualified archaeologist is required to be present during ground-disturbing activities in the following areas: NFSR 3000000 mileposts 78.36 and 78.99, NFSR 2000000 milepost 104.24, and NFSR 1500000 milepost 34.82.

If an unanticipated discovery is identified, measures will be taken to prevent further disturbances. Depending on the nature and location of the unanticipated discovery, these measures may include halting construction near the discovery, fencing of the discovery and a buffer area to redirect vehicular traffic, or posting a security guard. The Heritage Specialist shall be notified, as shall the Forest Archaeologist and the State Historic Preservation Officer (SHPO). Heritage Specialists shall record the discovery and consult with the SHPO to prepare a Memorandum of Agreement to mitigate any adverse effects if the site is determined to be eligible for the NRHP.

Criterion 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 (ESA).

No threatened or endangered species under the ESA or habitat associated with these species has the potential to occur in the analysis areas or be directly or indirectly affected by the project. Two Forest Service Region 10 sensitive species—the black oystercatcher and the Queen Charlotte goshawk—have the potential to be affected, but impacts would not likely cause a trend to federal listing or a loss of viability for the regional population (see Tables 27 and 28 in the EA). Impacts to these sensitive species would be temporary and would be caused by construction noise and increased human presence, which would cease after construction is completed. Measures on pages 17 and 18 of the EA and page 4 of the *Biological Evaluation and Wildlife Resources Report for Improvements for Neck Lake and El Capitan Cave Roads Environmental Assessment* (BE and Wildlife Resources Report) (SWCA 2015c) would be implemented to avoid and minimize impacts to both species.

In addition, management indicator species were evaluated and impact summaries are provided in Tables 27 and 28 of the EA; detailed analyses are provided in the BE and Wildlife Resources Report (SWCA 2015c).

No endangered, threatened, or candidate plant species are known or expected to occur in the Alaska Region; therefore, the Selected Alternative would not affect ESA-listed plant populations or habitat (see page 72 of the EA). One sensitive plant species and four rare plants are known to occur in the analysis area (Table 22 of the EA). In addition, if the analysis area overlapped the known or suspected range of sensitive or rare plant species and if suitable habitat was noted during field surveys, those species were suspected to occur in the analysis area. These eight sensitive and 17 rare plants suspected to occur in the analysis area are discussed in more detail in the *Botany Report, North Prince of Wales Island Environmental Study* (Forest Service 2015c) and the *Biological Evaluation for Plants, North Prince of Wales Island Environmental Study* (Forest Service 2015d) (see page 72, 77, and 78 of the EA). With the recommended resource protection and monitoring measures, the Selected Alternative would not cause a trend toward federal listing for all sensitive or rare plant species (see pages 77 and 78 of the EA).

Criterion 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, regulations, and local requirements considered in the EA include the following:

National Environmental Policy Act of 1969 (NEPA)

NEPA requires that federal agency decision-makers, in carrying out their duties, use all practicable means to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans. NEPA provides a mandate and a framework for federal agencies to consider all reasonably foreseeable future environmental effects of their proposed actions and to involve and inform the public in the decision-making process. The act also established the Council on Environmental Quality (CEQ) in the Executive Office of the President to formulate and recommend national policies that ensure that the programs of the federal government promote the improvement of the quality of the environment. The CEQ set forth regulations (40 CFR 1500–1508) to assist federal agencies in implementing NEPA during the planning phases of any federal action. These regulations, together with specific federal agency NEPA implementation procedures, help ensure that the environmental impacts of any proposed decisions are fully considered and that appropriate steps are taken to mitigate potential environmental impacts.

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

Forest Service Handbook (FSH) direction (FSH 2090.20 Section 21(3)) states if the responsible official perceives a finding of a significant possibility of a significant restriction on subsistence uses is likely to occur from a proposed action, a justification will be prepared and submitted to the Regional Forester for concurrence. The EA concluded that a significant restriction to subsistence uses is unlikely to occur from implementation of the Selected Alternative. See pages 67–69 of the EA for more information.

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

This project incorporates all applicable forest-wide 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), see pages 5 and 6 of the EA. Application of Forest Plan direction ensures compliance at the project level; therefore, the Selected Alternative is consistent with the Forest Plan.

Clean Air Act of 1970 (as amended)

Emissions from the implementation of the Selected Alternative would be of short duration and are not expected to exceed State of Alaska ambient air quality standards (18 Alaska Administrative Code 50).

Clean Water Act of 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."

Sections 208 and 319 recognized the need for control strategies for nonpoint source pollution caused by activities such as timber harvest. 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) are recognized as the primary control mechanisms for nonpoint source pollution on National Forest System (NFS) lands (Forest Service 2006, 2012). The Environmental Protection Agency (U.S. EPA) supports this perspective in their guidance, "Nonpoint Source Controls and Water Quality Standards" (U.S. EPA 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, along 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 (Alaska Department of Environmental Conservation [ADEC] 2015f). In 1997, the State approved the BMPs in the Forest Service *Soil and Water Conservation Handbook* (Forest Service 2006) as being consistent with the AFRPA. This handbook is incorporated by reference into the Forest Plan and this project.

Endangered Species Act of 1973 (as amended)

The BE and Wildlife Resources Report (SWCA 2015c) was completed for the Selected Alternative, which indicates that no federally listed threatened, endangered, or candidate species have the potential to occur in the analysis areas or be directly or indirectly affected by the project. The report is included in the project record.

Federal Cave Resources Protection Act of 1988

Within the project area there are approximately 75 caves and 476 karst features other than caves (further details can be found in *Final Minerals, Geology and Karst Resources Report, El Capitan/North Prince of Wales Road Prince of Wales Island, Alaska* (Ozark Underground Laboratory 2004). Forest Plan standards and guidelines adhere to the requirements of the Federal Cave Resources Protection Act of 1988 (Forest Plan pages 4-23 to 4-26 and pages H-1 to H-10) and are integrated into the project design.

Forest Service Transportation Final Administrative Policy (Roads Rule)

This final decision notice and the EA have been prepared to be consistent with the Forest Service Transportation Final Administrative Policy (36 CFR Parts 212, 251, 261, 295) and the *Access and Travel Management Plan Environmental Assessment, Prince of Wales and Surrounding Islands* (Forest Service 2009). The proposed 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).

Magnuson-Stevens Fishery Conservation and Management Act

Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act states that all federal agencies must consult the 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. All anadromous streams in the analysis area are designated as EFH. Consultation with the NMFS under this Act would be completed prior to project initiation.

Marine Mammal Protection Act of 1972

No effects to marine mammals are expected as a result of the Selected Alternative (see the BE and Wildlife Resources Report [SWCA 2015c]). Marine mammal viewing guidelines administered by the NMFS and enforced by the U.S. Coast Guard are sufficient for the protection of marine mammals. Contractors, purchasers, and employees will be required to follow provisions on marine wildlife guidelines, including special prohibitions on approaching humpback whales in Alaska as defined in 50 CFR 224.103. The NMFS administers the Act, which prohibits the "take" of all marine mammal species in U.S. waters. "Take" is defined as "to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal." Harassment is defined in the Act as "any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild; or has the potential to disturb a marine mammal stock in the wild by causing disruption of behavior patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering."

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

Under the NFMA, the Tongass National Forest must provide for diversity of plant and animal communities based on the suitability and capability of specific land areas and must ensure that management prescriptions “shall preserve and enhance the diversity of plant and animal communities, including endemic(s).” With respect to transportation systems, “roads constructed on National Forest System lands shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources” (16 United States Code 1608).

The Selected Alternative, in compliance with the Forest Plan and the design elements and standards, BMPS, resource protection measures, and monitoring as discussed in the EA (pages 9–18), is consistent with the goals and objectives as directed by the NFMA.

National Historic Preservation Act of 1966 (as amended)

The National Historic Preservation Act requires federal agencies to identify cultural resources that are eligible for the NRHP and to consider the effects of agency actions to those historic properties in coordination with the SHPO (36 CFR 800).

If the Heritage Specialist determines that there are “No Historic Properties Affected” within the APE or that “No Adverse Effects to Historic Properties” will occur due to changes within the design or by following Forest Service policy of avoidance or minimization of effects, the Forest Service may use the current SHPO Programmatic Agreement for the purposes of completing the Section 106 process, without further involvement of the SHPO.

Where an “Adverse Effect” is identified and is unavoidable, a Memorandum of Agreement describing mitigation actions shall be signed with the SHPO in advance of the undertaking. Although historic properties eligible for the NRHP have been discovered within the APE, none of them will be adversely affected if Forest Service avoidance policy is followed. Monitoring of areas that are deemed highly sensitive is required in the case of an unanticipated discovery of archaeological materials that were not previously identified.

Executive Order 11990 (Protection of 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. There would be no loss of unique wetlands from implementing the Selected Alternative. Where non-unique wetlands cannot be avoided, road construction will adhere to state-approved BMPs, which include, at a minimum, the federal baseline provisions in 33 CFR 323.

Executive Order 12898 (Environmental Justice)

Executive Order 12898 directs federal agencies to address 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 any of the alternatives. The Selected Alternative would cause temporary inconvenience to local road users, including low-income and minority individuals, but all road users would be affected equally (see EA page 22). Efforts were made during the public participation process to inform all members of public about the project and its possible impacts through notices in local papers, local meetings, and tribal government correspondence (see the Public Involvement section of this decision notice and FONSI on page 4).

The executive order directs agencies to consider patterns of subsistence hunting and fishing when an agency action may affect fish or wildlife. Although low-income and minority people are not the sole users of these resources in Alaska, the effects on these resources are addressed in the Subsistence Use section of the EA (beginning on page 65) and in *Subsistence Resources Report and Section 810 Evaluation for Improvements for Neck Lake and El Capitan Cave Roads Environmental Assessment* (SWCA 2015b).

Executive Order 12962 (Aquatic Systems, Recreational Fisheries)

Federal agencies are required, to the extent permitted by law and where practicable, 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. The Selected Alternative minimizes the effects on aquatic systems through project design, application of standards and guidelines, BMPs, and site-specific resource protection measures. In the Selected Alternative, recreational fishing opportunities would remain essentially the same as they are under current condition 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 American Indian 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 that has a 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 13112 (Invasive Species)

Executive Order 13112 requires federal agencies to evaluate whether the proposed activities will affect the status of invasive species and to not carry out activities that promote the introduction or spread of invasive species unless it has been determined that the benefits of such action outweigh the potential harm caused by invasive species. Additionally, all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions. In all, 29 known non-native plants have been documented in the analysis area. The *Invasive Plants Report, North Prince of Wales Island Environmental Study*, included in the project record, summarizes these species, discusses their invasiveness ranking, and comments about the infestations (Forest Service 2015e).

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 federally recognized tribes on proposed actions that have tribal implications.

Throughout the project, the district ranger(s) and archaeologists communicated with Klawock Cooperative Association, Craig Tribal Association, Hydaburg Cooperative Association, Organized Village of Kasaan, Wrangell Cooperative Association, Central Council of Tlingit & Haida Indian Tribes of Alaska, Klawock Heenya Corporation, Shaan Seet, Inc., Sealaska Corporation, and the Sealaska Heritage Institute, as documented in the project record and described in the Public Involvement section on pages 3 and 4 of this final decision notice and FONSI. Tribal consultation does not imply that the tribes endorse the Selected Alternative or any of the alternatives.

Migratory Bird Treaty Act of 1918 (MBTA)

The MBTA (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 limited to waterfowl. The migratory species that may stay in the area use 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.

See Table 27 of the EA and pages 47–48 of the BE and Wildlife Resources Report (SWCA 2015c). Direct effects to migratory birds would result from disturbances that disrupt breeding birds, unintentionally remove active bird nests, or cause nest abandonment, but these effects would be temporary. For species that remain outside of the breeding season, habitat affected by road improvements and associated human noise and activity have the potential to disturb and displace birds during the non-breeding season, as well. Indirect effects would result from the reduction of perching, foraging, and potential nesting habitat.

Executive Order 13443 (Facilitation of Hunting Heritage and Wildlife Conservation)

Executive Order 13443 directs federal agencies to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat. The analysis considered and disclosed the effects on hunting activities. The Selected Alternative is expected to maintain the current hunting opportunities by adhering to the Forest Plan standards and guidelines that maintain habitat for hunted species.

BMPs, Resource Protection Measures, and Monitoring

The Forest Service uses many resource protection measures in the planning and implementation of land management activities. The application of these measures begins during the planning and design phases of a project. These measures come from or link to the Forest Plan, and continue through all phases of subsequent management related to the project. In addition to Forest Plan standards and guidelines and BMPs, specific resource protection measures or monitoring may be recommended for associated activities. Refer to pages 14–18 of the EA for a list of BMPs, resource protection measures, and monitoring efforts applicable to the Selected Alternative.

Required Permits and Concurrence

Prior to implementation of the Selected Alternative, various permits and concurrence are required from other federal and state agencies. The following permits and approvals would be required:

- Alaska SHPO concurrence of opinion or signed Memorandum of Agreement for adverse effects
- U.S. Army Corps of Engineers Clean Water Act Section 404 authorization
- ADEC Section 401 Water Quality Certification
- ADEC Alaska Pollutant Discharge Elimination System General Permit for Discharges from Large and Small Construction Activities
- ADF&G Division of Habitat Title 16 Fish Habitat concurrence/permits
- ROWs: Further detailed in the "Land Use and ROW Acquisitions" section (pages 40–43 of the EA).
- Supplemental Information Report (SIR) for Segment 3: Because this segment does not yet have any level of engineering design, the Forest Service will likely need to prepare a SIR prior to implementation of improvements on that segment.

Findings Required by Other Laws and Regulations

This decision is consistent with the Forest Plan (Forest Service 2008a) (see EA pages 5 and 6). The project was designed in conformance with all applicable laws, regulations, design standards, and BMPs as outlined in pages 10–15 of this final decision notice and FONSI.

An EA has been duly considered. I determined the actions represented in the EA will not have a significant effect on the quality of the human environment, have made a FONSI, and determined that an EIS will not be prepared.

Process for Considering New Information

In the event there is new information or changed direction for any resource during the implementation of this decision, the following Forest Service direction from FSH 1909.15, Section 18.1 (Forest Service 2010), will be used to evaluate the previous analysis:

- If new information or changed circumstances relating to the environmental impacts of a proposed action come to the attention of the responsible official after a decision has been made and prior to completion of the approved project, the responsible official should review the information carefully to determine its importance. Consideration should be given to whether or not the new information or changed circumstances are within the scope and range of effects considered in the original analysis.
- Based on further direction in FSH 1909.15, Section 18, after interdisciplinary review and consideration of the changed circumstances or the new information, the responsible official may determine whether or not a correction, supplement, or revision to the EA is necessary. If a supplemented or revised EA and FONSI is completed, a new decision notice would be issued or documentation that the original decision is to remain in effect and unchanged will be issued, following direction in FSH 1909, Chapter 40.

DISTRIBUTION

This full document—*Improvements for Neck Lake and El Capitan Cave Roads Final Environmental Assessment, Final Decision Notice, and Finding of No Significant Impact*—is available on the project website (http://www.fs.fed.us/nepa/nepa_project_exp.php?project=46067). Notification of the availability of this final decision notice is sent to those on the project mailing list, which includes individuals who requested more information on the project as well as adjacent landowners; local community members and leaders; affected special use permittees; those representing local conservation organizations, partner groups, community organizations; and various tribal associations and corporations. Additionally, a legal notice of the availability of this final decision notice is concurrently published in the *Ketchikan Daily News*.

ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES

This decision was subject to administrative review (objection) pursuant to 36 CFR Part 218. Individuals who submitted specific, written comments during the 30-day comment period or the January 2015 scoping period had standing to participate in the predecisional review and objection process.

After the EA and draft decision were made available to the public, a legal notice announcing the objection period for this project was published in the *Ketchikan Daily News*, the newspaper of record on July 13, 2016.

No objections were received during the objection period which ended on August 26, 2016.

IMPLEMENTATION DATE

Since no objections are received, the final decision notice may be signed on the fifth (5) business day after the close of the objection filing period. Implementation may begin immediately after the decision notice is signed, pursuant to 36 CFR 218.12.

Implementation is expected to begin in 2016 and could last up to 4 seasons (it is unlikely that the seasons would be consecutive). In all cases, all or part of the site would have a traffic control plan, and the community of Whale Pass would be notified in advance of planned construction activities. Design elements, BMPs, resource protection measures, and monitoring described on pages 9–18 of the EA would apply to the Selected Alternative.

CONTACT INFORMATION

For additional information concerning this decision, the environmental analysis, or the Forest Service objection process contact: Rich Jacobson, Project Leader, Craig Ranger District, 900 Main Street, P.O. Box 500, Craig, Alaska, 99921, 907.826.1626, rjacobson@fs.fed.us.

9/7/16

Matthew D. Anderson
District Ranger

Date

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