



United States  
Department of  
Agriculture  
Tongass  
National Forest  
R10-MB-706

December 2009

# Petersburg Outfitter and Guide Management Plan Environmental Assessment



### Abbreviations and Common Acronyms

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
ADGC	Alaska Department of Government Coordination	NFS	National Forest System
AIRFA	American Indian Religious Freedom Act	NHPA	National Historic Preservation Act
ANCSA	Alaska Native Claims Settlement Act	NMFS	National Marine Fisheries Service
ANILCA	Alaska National Interest Lands Conservation Act	NOAA	National Oceanic and Atmospheric Administration
BMP	Best Management Practices	PCDSCW	Petersburg Creek – Duncan Salt Chuck Wilderness
CCR	Recreation Use Carrying Capacity Report	PRD	Petersburg Ranger District
CEQ	Council on Environmental Quality	ROS	Recreation Opportunity Spectrum
CFR	Code of Federal Regulations	RSNT	Remote Setting Nature Tours
CZMA	Coastal Zone Management Act	RVD	Recreation Visitor Day
DMLW	Division of Land, Mining, Land and	SHPO	State Historic Preservation Officer
DN	Decision Notice	SOPA	Schedule of Proposed Actions
EA	Environmental Assessment	SUA	Special Use Authorization
ESA	Environmental Species Act	T&E	Threatened and Endangered
FONSI	Finding of No Significant Impact	TBKW	Tebenkof Bay and Kuiu Wildernesses
FS	Forest Service	TLMP	Tongass Land Management Plan
FSH	Forest Service Handbook	TNF	Tongass National Forest
FSM	Forest Service Manual	TTRA	Tongass Timber Reform Act
IDT	Interdisciplinary Team	USFWS	United States Fish and Wildlife Service
LNT	Leave No Trace	VCU	Value Comparison Unit
LUD	Land Use Designation	WA	Wilderness Area

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Cover photo: View from Raven's Ridge on Mitkof Island. Sukoi Islands in Frederick Sound with the Coast Range in the background. Photograph by Marina Whitacre.



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File Code: 1950-1

Date: December 14, 2009

Dear Planning Participant,

Enclosed is your copy of the Environmental Assessment (EA) for the Outfitter and Guide Management Plan on the Petersburg Ranger District, Tongass National Forest. This document describes two action alternatives; Alternative 1 (Proposed Action) and Alternative 2 (Increased Solitude). Alternative 2 is the preferred alternative; however, please review both alternatives since either alternative, combination of alternatives, or a new alternative within the range of these alternatives may be selected in the final decision.

Since the distribution of the project's scoping letter in January 2009, a second action alternative (Increased Solitude) was developed to further address user conflicts in the Saginaw/Security/Washington Bays (12A) and Keku Strait/Port Camden (14) study areas. Similar to Alternative 1, Recreation Visitor Days are proportioned out by season, but with reduced outfitter and guide allocations in the spring and fall in Study Areas 12A and 14. Setting allocated use in the spring and fall seasons closer to actual use in these study areas restricts growth in the areas' outfitter and guide use. The intended result would be fewer user conflicts due to a greater opportunity for solitude.

As the Petersburg District Ranger, I am the Responsible Official for this project. I will make the decision on how to manage the outfitter and guide special use program by allocating a portion of the total recreation carrying capacity for commercial use while taking into account the needs of unguided users and forest resources.

The 30-day comment period on the EA will begin on the date the Notice of Availability is published in the Petersburg Pilot, the newspaper of record. Comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. The submission of timely and specific comments can affect a reviewer's ability to participate in subsequent administrative review or judicial review.

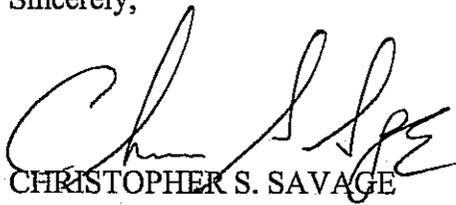
Comments received in response to this solicitation; including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the respondent with standing to participate in subsequent administrative review or judicial review.

Please send written comments to me, Petersburg District Ranger, or Marina Whitacre, Team Leader/Writer-Editor, Attn. Petersburg Outfitter and Guide Management Plan, U.S. Forest Service, PO Box 1328, Petersburg, AK, 99833-1328. Comments may also be e-mailed to [comments-alaska-tongass-petersburg@fs.fed.us](mailto:comments-alaska-tongass-petersburg@fs.fed.us), with Petersburg Outfitter and Guide Management Plan in the subject line.



If you need additional information or would like additional copies of the EA, please call the Petersburg Ranger District at (907) 772-3871. The document can also be accessed online at: <http://www.fs.fed.us/r10/tongass/projects/projects.shtml>.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Savage". The signature is written in a cursive style with a large initial "C" and "S".

CHRISTOPHER S. SAVAGE  
District Ranger

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View from USFS Kake bunkhouse. Photograph by Heath Whitacre.

# CHAPTER 1 – PURPOSE AND NEED FOR THE PROPOSED ACTION

## Document Structure ---

The Petersburg Ranger District, Tongass National Forest, has prepared this Environmental Assessment (EA) in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State law and regulation. This EA discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and alternatives. The document has four chapters plus appendices:

- Chapter 1 – Purpose and Need for the Proposed Action. This chapter includes information on the history of the project proposal, the purpose and need for the project, and the agency’s proposal for achieving that purpose and need. It also details how the Forest Service informed the public of the proposal and how the public responded.
- Chapter 2 – Alternatives. This chapter provides a more detailed description of the agency’s proposed action as well as alternative methods for achieving the stated purpose based on significant issues raised by the public and other agencies. This discussion also includes possible mitigation measures. Finally, this chapter provides a summary table of the environmental considerations associated with each alternative.
- Chapter 3 – Environmental Considerations. Organized by resource area, this chapter describes the environmental effects of implementing the proposed action and other alternatives.
- Chapter 4 – References and Lists. This chapter provides a glossary, list of preparers and EA recipients, references and an index.
- Appendices. These provide more detailed information to support the analyses presented in the EA.

The project record, located at the Petersburg Ranger District (PRD) office in Petersburg, AK, has additional documentation and more detailed analyses of project area resources.

## Background ---

Outfitting and guiding services are a permitted activity on National Forest System (NFS) lands under a variety of laws established by Congress. National policy allows the Forest Service (FS) to issue either temporary or priority special use permits to qualified outfitters and guides.

Temporary special use permits are issued for minor, non-recurring outfitting and guiding activities in amounts of up to 200 service days in a 180-day period and are not be subject to renewal. They may be offered on a first-come, first-served or lottery basis and are issued only for intermittent or transient outfitting and guiding conducted on National Forest System lands (FSH 2709.11, Chapter 41.53j).

# 1 Purpose and Need

Priority special use permits may be issued for up to ten years with a probationary 2-year permit term for new priority use permit holders that may be extended for up to 8 years based upon satisfactory performance. Priority use permits may be issued to institutional and semi-public groups, such as youth, educational, and religious groups (FSH 2709.11, Chapter 41.53l).

Priority use permit allocation is based on the highest amount of actual use in one calendar year during a five year period. Permit holders with 1,000 service days or less can acquire an additional 25 percent of their highest actual use year and permit holders with more than 1,000 service days can acquire an additional 15 percent, provided that the total does not exceed the allocation when the permit was issued (FSH 2709.11, Chapter 41.53m). This approach to review use allocations takes into account market fluctuations, availability of state hunting licenses, and natural phenomena.

In addition to temporary and priority use permits, temporary and priority use pools may be established. These allow priority use permit holders to apply for a short-term allocation of use to meet a seasonal need (FSH 2700 Chapter 41.53k and n). The process of allocating a percentage of use to the temporary and priority use pools will be determined by the authorized officer who, in this situation, is the Petersburg District Ranger (ibid.).

This 2009 EA replaces the Petersburg Ranger District portion of the 1997 Stikine Area Outfitter and Guide EA. It will not address or authorize assigned sites<sup>1</sup>, ground disturbing activities, and other forms of development. These activities will require a site specific analysis and further NEPA review.

Through this NEPA analysis, the PRD will decide how recreation visitor capacity will be allocated to outfitters and guides by considering the long-term and cumulative effects of issuing temporary and priority use permits. In allocating visitor capacity, the FS will consider uses that serve the public need for outfitter and guide services in ways that protect the natural and cultural resources of the area, and the more primitive social setting desired for an “Alaskan experience”.

## **History of the project**

In 2004 a review of the 1997 Stikine Area Outfitter and Guide EA was completed to take into account the growth of the outfitter and guide industry. All recommended changes were minor. Calculations or numbers were corrected based on better information or to address public concerns. No change required any further environmental analysis or was significant enough to require a new Decision Notice.

Since the 2004 review, actual use of the PRD by the outfitter and guide industry increased in 2005, then steadily decreased from 2005-2008 (see Table 3.2). To examine the district's ability to accommodate growth, a carrying capacity study (the Petersburg Recreation Use Carrying Capacity Report) was completed in December 2009. The

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<sup>1</sup> An *assigned site* is a specific site designated and authorized for use by a permit holder.

analysis, or allocation process, allows the PRD to manage its recreation use in accordance with the Recreation Opportunity Spectrum<sup>2</sup> (ROS) (USDA 2008, Appendix I) and Forest Plan Standards and Guidelines (USDA 2008, pp. 4-45 to 4-49). These capacity numbers estimate how many people can use a given area annually and helped formulate alternatives responsive to the issues identified in scoping (see Chapter 2 for alternatives). For a detailed explanation of how the carrying capacity report numbers are generated, see the Recreation Use Carrying Capacity Report in Appendix A of this document.

The Recreation Use Carrying Capacity Report for the Petersburg Ranger District shows that despite an increase in commercial use of Forest Service lands, use has not exceeded capacity and there is room for additional growth of the outfitter and guide industry.

There have been some changes in allocation of RVDs by study area and study area acres since the 1997 Stikine Area Outfitter and Guide EA and the 2004 update<sup>3</sup>. Other changes incorporated into this EA include:

- New Tongass Forest direction regarding permitting outfitter and guide services within wilderness. In 2007 the Forest Supervisor determined a need existed for outfitter and guide services within Wilderness Areas on the Tongass. The amount, type and extent of services necessary is determined at the district level prior to issuing outfitter and guide permits in Wilderness (Wilderness Act, FSH 2709.11 41.53e, USDA 2007). Two Determinations of Need for Commercial Services were conducted prior to this EA's analysis: one for the Petersburg Creek – Duncan Salt Chuck Wilderness and another for the Tebenkof Bay – Kuiu Wildernesses. Both analyses are filed in the Petersburg Outfitter and Guide Management Plan EA project record.
- New Washington Office direction on the administration of outfitter and guide permits (FSH 2709.11 – 41.53). The updated FSH sets forth new direction on authorizing and administering temporary and priority use permits and establishing and operating priority and temporary use pools for permit holders. The 2008 changes do not affect the total allocation of commercial use on National Forest System lands. Instead it changes how allocated use might be distributed.
- Study area boundaries. All but three study areas changed during the analysis completed for the Petersburg Carrying Capacity Report. These changes were an effort to group similar recreation uses within a study area. The changes were also a result of five additional years of use data.
- Recreation place boundaries. There were boundary changes made to the recreation places which fall within the larger study areas. These changes were due to land status changes, a re-evaluation of recreation attractors, new information,

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<sup>2</sup> ROS helps identify, quantify and describe the type of recreation settings the district provides.

<sup>3</sup> These changes are listed in Table C of the 2009 Recreation Use Carrying Capacity Report for Petersburg Ranger District.

# 1 Purpose and Need

and the most recent use data. As a result, there are 70,976 fewer recreation place acres today than in 2004.

- An increase in net RVDs. Based on the Proposed Action, there are approximately 95,434 more RVDs available today than when the 2004 update was completed<sup>4</sup>.

## Purpose and Need for Action

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The purpose of this initiative is to:

- Respond to special use permit applications;
- Allocate appropriate outfitter and guide use in the Petersburg Creek-Duncan Salt Chuck, Tebenkof Bay, and Kuiu Wilderness Areas while protecting wilderness character (based on individual Wilderness Needs Assessments); and
- Allocate outfitter and guide recreation use on the Petersburg District to minimize potential impacts to all resources.

This action is needed to analyze the potential impacts of outfitter and guide use on NFS lands and to set reasonable levels of use based on social and environmental conditions. This action responds to the goals and objectives outlined in the Tongass Forest Plan, and helps move the PRD towards the desired conditions described in the plan (USDA 2008a, p. 2-1). The Forest Plan provides standards and guidelines to authorize the services of qualified outfitters and guides to the public where the need for the service has been identified, is compatible with the objectives and management direction of the affected Land Use Designation (LUD) (USDA 2008a, p. 4-46) and to issue priority use permits, whenever possible, supplemented with temporary permits (id.).

Forest Service policy (FSM 2720 and FSH 2709.11) allows for the issuance of special use authorizations for up to 10 years. Applications for multi-year permits allow outfitters and guides to make financial commitments necessary to continue to provide service to the public.

In 2007, the Forest Supervisor determined a need for outfitter and guide services within Wilderness Areas on the Tongass. To address this need, the PRD has written two Determinations of Need for Commercial Services (Determinations): one specific to the Tebenkof Bay and Kuiu Wilderness areas and another for the Petersburg Creek-Duncan Salt Chuck Wilderness area. Both Determinations demonstrated need for commercially guided hunting, freshwater fishing and Remote Setting Nature Tours (RSNT). The Tebenkof Bay and Kuiu Wilderness Determinations also demonstrated a need for commercially guided camping. Because these services are deemed appropriate for these

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<sup>4</sup> This increase is largely due to a change made to a variable (Length of Stay) in the formula used to calculate RVDs (see Appendix A, Recreation Carrying Capacity Report). In 2004 Length of Stay (LOS) was determined by the average amount of time a recreationist was estimated to stay at the recreation place. In the current analysis, LOS reflects the amount of time a recreation place could be occupied by recreationists. For example, many LOSs for recreation places increased from two hours in 2004 to eight hours in 2009. As a result, 2009 net and allocated RVDs increased.

Wilderness areas, the FS may issue Special Use Authorizations (SUAs) to individual(s) or organization(s) (USDA 2008a, p. 3-20) to provide the said service(s).

## Project Area Description

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The project area consists of the National Forest System lands encompassing the Petersburg Ranger District of the Tongass National Forest (TNF), totaling approximately 1.9 million acres in central Southeast Alaska, including Mitkof, Kupreanof, Woewodski, and Kuiu Islands, a section of the mainland, and several smaller islands. It encompasses the communities of Petersburg, Kupreanof, and Kake. A map displaying the project area is presented in Figure 1. For the purpose of this project, the district is divided into 20 study areas<sup>5</sup>.

## Proposed Action

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The action proposed by the Forest Service to meet the purpose and need is to authorize outfitter and guide operations through the issuance of special use permits, based on the Petersburg Recreation Use Carrying Capacity Report (see Appendix A). The Petersburg Ranger District (PRD) is proposing to allocate outfitter and guides up to 10 percent of the capacity within and 25 percent outside an identified home range<sup>6</sup>. These allocations would be proportioned out by season; 10% in the spring (April 1 – May 31), 65% in the summer (June 1 – August 31), 15% in the fall (September 1 – October 31) and 10% in the winter (November 1 – March 31) (Table 2.3). Allocating use by season is an effort to limit outfitter and guide use in the spring and fall to reduce user conflicts, provide more opportunities for solitude and indirectly manage outfitter and guide recreation use by activity.

The proposal would authorize up to approximately 39,605 RVDs across the PRD for use by outfitters and guides. The use authorized may be temporary in nature (less than one year) or could be for multiple years. For those operators who have demonstrated satisfactory performance, the District Ranger may issue priority use permits, for a period of up to 10 years, in accordance with FSH 2709.11.

## Decision Framework

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The Petersburg District Ranger will decide how to manage the outfitter and guide special use program by allocating a portion of the total recreation use carrying capacity for commercial use while taking into account the needs of unguided users and forest resources. In order to maintain a quality recreation experience and a balance between

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<sup>5</sup> *Study area* Study area boundaries were determined using the Forest Plan, Value Comparison Units (VCUs), ROS Classes (2008 Forest Plan, Appendix I), and Watershed Analysis Areas. In some instances study area and recreation place boundaries were revised to better represent where use is occurring and to group lands according to their location. These changes are documented in Table D of Appendix A.

<sup>6</sup> The allocation of 10% and 25% is by recreation place, not by study area.

# 1 Purpose and Need

guided and unguided use, the District Ranger will also decide what level of guided use will trigger additional review by study area. The type of recreation use for any given recreation place<sup>7</sup> will not be established by this document.

Given the purpose and need, the District Ranger will review the proposed action and the other alternatives in order to make the following decisions:

- The locations, limitations, management, and terms of outfitter and guide permits and opportunities on the PRD for the next five to ten years;
- The extent, type, amount, and location of commercial use to allocate within the Petersburg Creek-Duncan Salt Chuck, Tebenkof Bay, and Kuiu Wilderness Areas;
- How best to manage outfitter and guide use on the PRD to minimize potential impacts to all resources; and
- What, if any, mitigation measures and monitoring are needed.

The District Ranger will not address proposals for development<sup>8</sup> in this document. Development proposals, authorized under different Forest Service authorities and policies, are beyond the scope of this analysis.

The decision will be implemented through the Special Uses administrative process. Commercial use permits will be authorized under the direction of the Special Uses Management Manual (FSM 2700) and Handbook (FSH 2709.11). Mitigation measures will be implemented through permit requirements and provisions, and administration and program monitoring. Monitoring will occur during the administration of Special Use permits and as part of the ongoing program of monitoring forest resources (sensitive and invasive plants, wilderness campsites, etc).

Outfitter/guide activities involving the taking of fish or game will be implemented under Alaska Board of Game, Alaska Board of Fisheries, and Federal Subsistence Board regulations.

When commercial use in specific study areas approaches the allocated levels, commercial requests for use may be redirected to other locations. If this measure is not sufficient to accommodate demand, resulting in a competitive interest, use will be allocated among qualified outfitters and guides through a competitive process.

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<sup>7</sup> *Recreation places* are areas used for recreation activities and are easy to access. They are identified based on patterns of use associated with protected boat anchorages and landings, aircraft landing sites and roads; for example, beaches or campgrounds.

<sup>8</sup> *Development* would include construction of resorts, cabins, tent platforms, or any other structure or facility.

## Scoping

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### ***Schedule of Proposed Activities***

The Petersburg Outfitter and Guide Management Plan Environmental Assessment has been listed quarterly on the Schedule of Proposed Actions (SOPA) since April 2008.

### ***Open Houses***

On May 5, 2008, the Petersburg Ranger District hosted an open house at the district office. A second open house was held in Kake on July 8, 2008. A draft of Petersburg's study area maps were posted for viewing at both locations. PRD received no written comments.

### ***Government-to-Government Consultation***

Consultation letters were sent to the Petersburg Indian Association, the Organized Village of Kake and the Wrangell Cooperative Association in April and December 2008. The groups also received the project scoping letters mailed in July 2008 and January 2009. Kake Tribal was mailed a consultation letter in April 2008 and received both scoping letters. In July 2008 Forest Service personnel attended a meeting with the Organized Village of Kake. The Outfitter and Guide Management Plan was discussed and maps of the project were provided.

Indian Tribe consultations are an important part of cultural resource management. In Alaska, Indian Tribes, as defined by the National Historic Preservation Act, include federally recognized tribes and villages and regional corporations created by the Alaska Native Claims Settlement Act. The Organized Village of Kake, the Petersburg Indian Association and the Wrangell Cooperative Association are the tribes that have a cultural affiliation to the project area and were consulted with during the course of project development, as noted above. We also contacted Kake Tribal Corporation, Tlingit and Haida tribes of Alaska and Sealaska.

### ***Scoping Letter***

In July 2008, PRD mailed approximately 360 scoping letters requesting comments on the proposed action. In January 2009, PRD mailed an updated scoping letter to the same recipients that included a revised proposed action that resulted from the concerns and feedback received from the first scoping letter. Three main changes were made:

- Analyze Petersburg and Wrangell Ranger Districts separately. Initially it was proposed to analyze the Wrangell and Petersburg Ranger Districts together and publish one EA. However, the public comments received during the first round of scoping demonstrated that there are different issues on each district that require different alternatives.

# 1 Purpose and Need

- The proposed action was revised to manage outfitter and guide use on a seasonal, rather than annual, basis. Many of the responses from our initial proposed action raised concerns about the proposed RVD allocations being too high in many of the PRD study areas. To address these comments, the project's interdisciplinary team decided to limit commercial use during the spring and fall seasons as a means to reduce user conflicts and provide more opportunities for solitude.
- Revise the reported Recreation Visitor Days associated with day use hunting operations. This user group spends relatively little time on National Forest System (NFS) lands, but can spend a considerable amount of time in areas adjacent to the National Forest. This is especially true for boat-based hunting operations. This use can displace other users, even when not occurring entirely on NFS lands. To account for this incidental use of NFS lands, a multiplier of three was factored into the reported day use hunting that did occur on NFS lands, and is reflected in the 5-year (2004-2008) actual use RVD average.

## ***Response to Scoping***

### **July 2008 scoping letter**

PRD received eleven responses to the July 2008 scoping letter. Respondents included commercial outfitters, Alaska Department of Fish and Game, and State of Alaska (Office of Project Management and Permitting). Comments included:

- Project clarification requests;
- Outfitter and guide use is over-allocated. Study areas specifically mentioned were 2, 10, 12B, 14 and 16;
- Over-allocation has created conflicts between users, specifically in the spring and fall hunting season;
- Permitted uses conflict. Security Bay (12A) was specifically mentioned. It was suggested to authorize different permitted uses at different times;
- There is intentional underreporting in Study Area 12A;
- The Forest Service should assign priority hunts;
- The Forest Service needs a prospectus;
- Kah Sheets and Petersburg Creek receive heavy use;
- Dialog with permitted users and the USFS would be helpful to develop reasonable use levels for the various permitted activities on the Tongass;
- The Forest Service not put restrictions on visitor numbers (guided or unguided) in Wilderness areas.

The concerns and feedback received resulted in conversations with some of the commercial bear hunting operators (Savage 2008) and a revised proposed action and scoping letter.

### January 2009 scoping letter

PRD received seven responses to the January 2009 scoping letter. Respondents included a private citizen, commercial outfitters, Alaska Department of Natural Resources, Department of the Army, City of Kupreanof mayor, and State of Alaska (Office of Project Management and Permitting). No new issues were identified. Comments included:

- Requests to revise the calendar days of use for the spring and summer season;
- Statements about commercial user conflicts;
- Outfitter and guide use is over-allocated;
- Request for group size restriction for outfitters and guides using the Petersburg Lake Trail and the Petersburg Mountain Trail (addressed in Table 2.2 Mitigation Measures by Study Area).

## Issues

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### Key Issues

Key issues help define or predict the resources or uses that could be most affected by the management of NFS lands. These issues are used as a basis to formulate management alternatives or to measure differences between alternatives.

Non-significant issues were those identified as:

- 1) Outside the scope of the proposed action;
- 2) Already decided by law, regulation, Forest Plan, or other higher level decision;
- 3) Irrelevant to the decision(s) to be made; or
- 4) Conjectural and not supported by scientific or factual evidence.

The Council on Environmental Quality (CEQ) NEPA regulations require this delineation in Sec. 101.7 "...identify, and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec 1506.3)..." A list of non-significant issues and reasons regarding their categorization as non-significant is in the project record.

With regard to key issues, the PRD identified two:

- **Issue 1:** *The proposed action may not provide stable business opportunities for the outfitter and guide industry.*

### Measurements

- Comparison of alternatives will include the percentage of total RVDs allocated to outfitter and guides for the project area.
- Comparison of alternatives will include the number of RVDs allocated to outfitters and guides for each study area by season.

# 1 Purpose and Need

- **Issue 2:** *The proposed action may not adequately address conflicts within the outfitter and guide industry.*

## **Measurements**

- Comparison of alternatives will include the percentage of total RVDs allocated by recreation management season.
- Comparison of alternatives will include the percentage of outfitter and guide allocations for spring and fall seasons.

## **Other Issues and Concerns**

The following issues were considered but determined not to drive an alternative. The rationale is included below.

### **Recreation Demand**

In the 1997 Stikine Area Outfitter and Guide Environmental Assessment, an issue discussed and analyzed was the ability of the proposed action to provide adequate recreation opportunities for guided and unguided forest users. This issue was dropped for this analysis since the number of RVDs allocated to guided and unguided users has not limited use in the past.

### **Affects on Forest Resources**

The project's effects to forest resources were also discussed as a significant issue in the 1997 Stikine Area Outfitter and Guide EA. However, because the previous EA and subsequent monitoring has shown no effect to forest resources, the issue was dropped for the current analysis and is no longer a concern that drives an alternative. It is important to note that affects on forest resources are still considered in the project analysis.

## **Meetings and Consultation with Agencies and Others**

### **State of Alaska – Department of Natural Resources**

The office of Project Management and Permitting coordinated a State agency review of the project. The State concurs with the Forest Service's determination of consistency with the Alaska Coastal Management Program (ACMP). See the Findings and Disclosures section of Chapter 3.

### **National Marine Fisheries Service and U.S. Fish and Wildlife Service**

The Forest Service coordinates planning efforts with the National Marine Fisheries Service and U.S. Fish and Wildlife Service to protect threatened, endangered, and candidate species on National Forest lands. This coordination assures the continued protection of important habitat.

On March 17, 2009, a Forest Service Aquatics specialist discussed the appropriate course of action regarding an Essential Fish Habitat determination for this project's proposal with a Fisheries Biologist at the National Marine Fisheries Service. The project, potential effects to EFH, and the analysis conducted and documented in the EA were explained. The NMFS Fisheries Biologist agreed the potential effects were minimal and suggested

an official EFH determination in the EA was not necessary. The Chapter 3 section in this EA documenting effects to aquatic resources was sufficient for the agency's review. However, a follow-up conversation with a Tongass National Forest Fisheries Biologist suggested including an official EFH determination highlighting the agreement between the USDA Forest Service (Alaska Region) and the National Marine Fisheries Service (document is filed in the project record). A 30-day comment period, initiating the consultation process, will begin when NMFS receives a copy of this EA with the EFH determination.

#### **State of Alaska – State Historic Preservation Officer (SHPO)**

The SHPO reviews compliance with Section 106 of the National Historic Preservation Act, a process to determine the effects of alternatives on cultural resources.

#### ***Federal and State Permits, Licenses and Certifications***

Prior to implementation of the proposed allocation of RVDs to outfitters and guides, various permits need to be obtained from other Federal and State agencies. Some permits are already in place; others would have to be obtained.

Prior to outfitting and guiding on NFS lands, the State requires:

- that commercial outfitters and guides are state licensed, regardless of where they are operating;
- any operator that uses state lands in the course of their commercial activities must either register with the Alaska Department of Natural Resource, Division of Mining, Land and Water (DMLW) under 11 AAC 96.018, or obtain a permit under AS 38.05.850 or lease under AS 38.05.070. More information on commercial day-use registration and DMLW authorizations may be found at [http://www.dnr.alaska.gov/mlw/permit\\_lease/index.cfm](http://www.dnr.alaska.gov/mlw/permit_lease/index.cfm); and
- the operator must also be in compliance with outfitter and guide regulations issued by the Alaska Department of Commerce, Community and Economic Development which address operations primarily occurring on state tidelands and related incidental activities occurring on federal uplands. Regulation details can be found at <http://www.dced.state.ak.us/occ/pgui5.htm>.

Prior to outfitting and guiding on NFS lands, the Federal Government may require verification of current business or operating licenses such as Coast Guard License, State of Alaska Sport Fishing License, etc.

#### **Outfitter and Guide Permit Conditions**

Permitted activities include, but are not limited to: photography, sightseeing, hiking, kayaking, canoeing, wildlife viewing, flying tours, power boating, fishing, hunting, and interpretive services. Short-term overnight camping may also occur when no leveling or

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ditching of campsites is made, when *Leave No Trace*<sup>9</sup> practices are used, and when the permit includes the R10-X117 Archaeological-Paleontological Discoveries Clause. This analysis will not address or authorize development of new recreation structures, ground disturbing activities or activities that involve any type of collecting, such as beachcombing.

Outfitters and guides operate under National Forest System permits that include several cultural resource stipulations. Outfitters and guides, who are also responsible for the actions of their clients, are prohibited from collecting artifacts or disturbing cultural resources. Outfitters and guides have an affirmative responsibility to report cultural resource discoveries made in the course of their business. Outfitters and guides must comply with all federal laws and regulations including the National Historic Preservation Act, the Archaeological Resources Protection Act and the Native American Graves Protection and Repatriation Act. Non-compliance with permit stipulations could result in permit revocation and/or prosecution under the various federal statutes and regulations.

## ***Applicable Laws and Executive Orders***

Shown below is a partial list of Federal laws and executive orders pertaining to project-specific planning and environmental analysis on Federal lands. While most pertain to all Federal lands, some of the laws are specific to Alaska. Disclosures and findings required by these laws and orders are contained in Chapter 3 of this EA.

- The Alaska Coastal Management Act of 1977
- Alaska Native Claims Settlement Act (ANCSA) of 1971
- Alaska National Interest Lands Conservation Act (ANILCA) of 1980 - includes a variety of provisions with direct or indirect implications for recreation management on national forests such as access, traditional activities in wilderness, and taking of fish and wildlife.
- American Indian Religious Freedom Act of 1978
- Archeological Resource Protection Act of 1979
- Bald and Golden Eagle Protection Act of 1940 (as amended)
- Clean Air Act of 1970 (as amended)
- Clean Water Act of 1977 (as amended)
- Coastal Zone Management Act (CZMA) of 1972 (as amended)
- Endangered Species Act (ESA) of 1973 (as amended)
- Executive Order 11593 (cultural resources)

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<sup>9</sup> Go to: [http://www.fs.fed.us/r10/outdoor\\_ethics/leave\\_no\\_trace/intro/int\\_principles\\_v2.shtml](http://www.fs.fed.us/r10/outdoor_ethics/leave_no_trace/intro/int_principles_v2.shtml) and LNT main website ([http://www.geocities.com/yosemite/falls/9200/leave\\_no\\_trace.html](http://www.geocities.com/yosemite/falls/9200/leave_no_trace.html)) for more information about Leave No Trace practices.

- Executive Order 11988 (floodplains)
- Executive Order 11990 (wetlands)
- Executive Order 12898 (environmental justice)
- Executive Order 12962 (aquatic systems and recreational fisheries)
- Executive Order 13007 (American Indian sacred sites)
- Executive Order 13084 (consultation and coordination with tribal governments)
- Executive Order 13112 (Invasive plant species)
- Executive Order 13175 (government-to-government consultation)
- Executive Order 13186 (migratory bird protection)
- Executive Order 13443 (hunting heritage and wildlife conservation)
- Federal Cave Resource Protection Act of 1988
- Land and Water Conservation Fund Act of 1964 - “assists in preserving, developing, and assuring accessibility to all citizens of the United States of America...such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable...by providing funds for federal acquisition of certain lands and other areas.” This act also provides for collection of recreation use fees for recreation sites, facilities, equipment, or services.
- Magnuson-Stevens Fishery Conservation and Management Act of 1996
- Marine Mammal Protection Act of 1972
- Migratory Bird Treaty Act of 1918 (amended 1936 and 1972)
- Multiple-Use and Sustained-Yield Act of 1960 - clarifies the purposes for which national forests were established, which include outdoor recreation, range, timber, watershed, wildlife, and fish.
- Native American Graves Protection and Repatriation Act (NAGPRA) of 1990
- National Environmental Policy Act (NEPA) of 1969 (as amended)
- National Historic Preservation Act of 1966 (as amended)
- National Trails System Act of 1968 - established a national system of recreation, scenic and historic trails “in order to provide for the ever-increasing outdoor recreation needs of an expanding population.”
- National Transportation Policy (2001)
- Organic Act of 1897 - instructs the Secretary of Agriculture to preserve and regulate occupancy and use of the national forest.
- Rivers and Harbors Act of 1899
- Wild and Scenic Rivers Act of 1968, amended 1986 - established a system to preserve rivers with “outstandingly remarkable” scenic, recreational, geological, fish and wildlife, historical, cultural, or other similar values.

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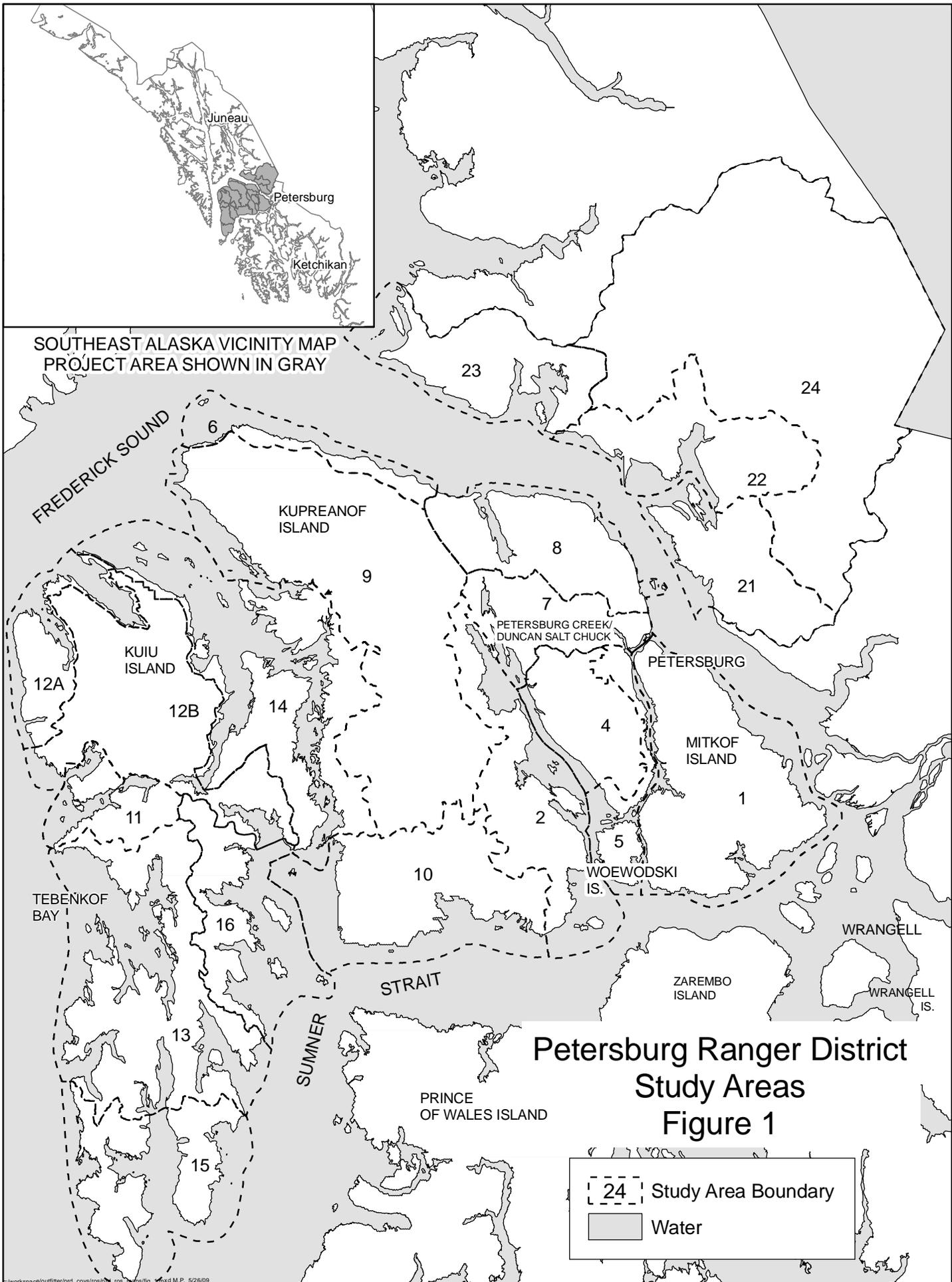
- Wilderness Act of 1964 (as amended) - 1964—established the National Wilderness Preservation System, consisting of federal lands designated among other purposes, to preserve their “primeval character and influence.”

## ***Availability of the Project Record***

An important consideration in preparation of this EA has been reduction of paperwork as specified in 40 CFR 1500.4. In general, the objective of the EA is to furnish enough site-specific information to demonstrate a reasoned consideration of the environmental impacts of the alternatives. The project record contains supporting material that documents the NEPA process and analysis from the beginning of the project to the publication of the EA. The project record is located at the Petersburg Ranger District office in Petersburg, Alaska. Reference documents, such as the Forest Plan, are available for review at public libraries and Forest Service offices throughout Southeast Alaska, including the Petersburg Ranger District. The Forest Plan is available on CD-ROM and on the Internet at <http://www.fs.fed.us/r10/tongass/>.



Tongass National Forest. Photograph by Ashley Atkinson.



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Fishing at Blind River Rapids on Mitkof Island, Petersburg Ranger District. Photograph by Carin Christensen.