United States Department of Agriculture

Shelikof Creek Restoration Project

Draft Decision Notice and Finding of No Significant Impact

Forest Service
Alaska Region

Tongass National Forest
Sitka RangerDistrict

R10-MB-790b

October 2015

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov .

USDA is an equal opportunity provider, employer, and lender.

COVER: PICTURE OF SHELIKOF CREEK ON KRUZOF ISLAND.

This page left blank intentionally

Introduction

Due to past management activities, Shelikof Creek is currently degraded from its optimal habitat conditions for anadromous salmon and resident trout. Past timber harvest without buffers and stream cleaning (removal of Large Wood (LW) from channel) have led to reductions of pool habitat, habitat complexity and high and low water refuge (resting areas for fish).

Draft Decision and Reasons for the Decision

Based upon my review of the analysis, comments from the public and the alternatives, it is my intention to select Alternative 2, the Proposed Action in its entirety for implementation as the Selected Alternative.

My decision includes contract provisions and monitoring as described below and developed in conjunction with public comments received during scoping. My decision also is consistent with the 2008 Tongass National Forest Land and Resource Management Plan (Forest Plan) and Forest Service policy. All these things are important for minimizing effects to resources and people and helping to maintain the resources and experiences the public values.

In this decision, I would:

- Authorize the harvest and stockpile of approximately 75 old growth trees for instream and floodplain restoration.
- Authorize the harvest and stockpile of approximately 200 young growth trees for instream and floodplain restoration.
- Authorize the use and tree clearing within the Mud Bay Marine Access Facility (MAF) for equipment storage, contractor housing and temporary helicopter landing.
- Restore 2.5 miles of anadromous fish stream by placing stockpiled trees and an additional 16 log stringers in Shelikof Creek and its floodplain in order to improve degraded habitat using heavy equipment and helicopter.
- Require an annual monitoring of effects of the project for the first 3 years and every 5 years thereafter until Forest and Regional watershed managers view this monitoring is no longer justified.

Rationale

Previous management activities in the Shelikof Creek watershed, including the removal of large instream log jams and woody material from streams, extensive riparian and hillside harvest, and road building have contributed to degraded habitat conditions along the mainstem of this watershed. This stream currently lacks large, key pieces of instream and floodplain wood, leading to a lack of pool habitat, unstable banks, channel complexity and refuge for fish during high and low water events. Stream habitat surveys revealed low scores in key metrics related to large woody debris, pool habitat, and channel morphology. Since little residual large wood currently exists in and along these streams, site conditions will continue to decline due to the lack of potential recruitment of large wood from the riparian floodplain without project implementation. The expected benefits include:

- Improved overwintering conditions for juvenile coho salmon and steelhead trout
- Accelerated recovery of fluvial processes currently leading to bank erosion and channel widening
- Improved instream pool complexity and cover through placement of rootwad trees and large wood structures
- Improved year-round low velocity holding and rearing habitat through pool creation

- Improved floodplain conditions to provide future nurse logs and roughness elements for flood resilience

Contract Provisions

My decision includes the entirety of the Design Criteria listed within the Environment Analysis. Special emphasis, however, shall be placed on the following:

- Contractor shall coordinate with District Special Uses Permit Administrator concerning the timing of on-the-ground activities, as well as, permitted outfitter and guides in the area on work schedule for possible delays to minimize impacts to their operations (preferably the winter before).
- Contractor will notify public of project timing to reduce interruptions in use in this popular recreation area.
- Contractor(s) shall not use the Mud Bay Shelter or Mud Bay Mooring Buoy.
- All equipment and materials brought in from outside of Kruzof Island must be cleaned prior to arrival to reduce the potential for the introduction of invasive plant species.
- If any heritage resources are discovered during construction, all construction must cease and Forest Service archeologist must be notified.

Monitoring

The Forest Service will develop and implement a project monitoring plan to validate the objectives for this project have been met over time. This monitoring plan will be consistent with Forest level protocols for large scale stream restoration projects such as this.

Public Involvement

The proposal was listed in the Schedule of Proposed Actions on January 1, 2015. The Sitka Ranger District mailed or emailed scoping letters to 57 individuals, businesses, tribal governments, tribal corporations, and local and state governments. Scoping letters for the project were mailed on December 29, 2014. A public scoping notice was posted in the Daily Sitka Sentinel on February 26, 2015. Personnel from the Sitka Ranger District also updated the Sitka Tribe of Alaska at their monthly meeting to describe the project on January 16, 2015. No comments were received from this scoping.

An interdisciplinary team of Forest Service resource specialists was consulted in the development of an Environmental Assessment (EA) and was completed on August 12, 2015. A legal notice offering a 30 day comment period on the proposed action was posted in the Daily Sitka Sentinel, the newspaper of record, on August 13, 2015. Copies of this EA were also emailed to State and Federal regulatory agencies and interested members of the general public on August 13, 2015.

Four comments were received during the scoping process:

One comment was received from the Alaska Department of Natural Resources – Habitat Division (ADNR-HD), summarizing the proposed action, a suggestion that instream work be conducted during low flow periods. Concurrence permitting for instream work will be required prior to work and that they look forward to working with the USFS on this project.

RESPONSE: The Forest Service also looks forward to working with ADNR-HD to acquire the necessary permits to complete the instream work. These permits will state the timing windows for which all instream work will occur.

Another comment was received from the Alaska Department of Fish and Game (ADF&G), which supported the benefits of this project and had no specific benefits directed to this EA.

RESPONSE: Thank you for your support of this project.

One comment was received from the Sitka Conservation Society (SCS) which was largely supportive of the project and the design criteria that will be used to minimize impacts from work. SCS also requested clarification on the operational work schedule as it relates to disruption of use of the area, timing of instream work which might have impacts to fish, division of work with a priority of culvert replacement over helicopter operations and the absence of mention of a post implementation monitoring plan.

RESPONSE: Thank you for your support of this project and its design criteria. The Forest Service currently does not have funding to complete this project, so therefore we cannot provide an accurate timeline for the start and completion of this project. Once funding has been secured, we will apply for instream work permits from the various State and Federal agencies that will outline when the work will be allowed to be completed to minimize impacts to fish and water quality. After permits are and funding have been secured, the Forest Service will solicit bids and award contract(s) to complete the various portions of the restoration work. Due to the uncertainty of the acquisition of funding, permit timelines, and the availability of the awarded contractor(s), we could not put a more exact timeline in the EA other than it "is anticipated to occur over a two year period, mainly during summer months, beginning as early as 2016". Though there is no official instream timing window, the typical work period for similar projects in the Sitka area has historically been June 1 through July 31. When this project is implemented, we will comply with all permits, design criteria and Best Management Practices (BMPs) to mitigate and minimize our impacts to fish and aquatic resources.

In response to SCS's request to prioritize work based on cost and construction time, the Forest Service has packaged culvert replacement and wood structure installation under this one EA because they are all a priority for improving fish stocks within the Shelikof Creek watershed. Our goal is to address all of the instream needs at once. If funding falls short to complete the entirety of the project, we may look at piecing out portions, but due to the often high cost of mobilization of equipment to remote sites, our intent is to complete all of the work at one time. Finally, though it was not mentioned in the EA, a post implementation monitoring plan will be completed following the Core Guidance for Tongass National Forest Project Level Stream Restoration Monitoring (USFS 2014). Project monitoring is a high priority for the Forest Service and our partners. This plan schedules pre-project measurements (Phase 1 - completed), post construction (Phase 2), then 1, 2 and 5-year post project (Phase 3) and every 5 years thereafter until Forest and Regional watershed managers agree that continued monitoring is no longer justified.

Another comment was received from the Alaska Department of Environmental Conservation (ADEC), summarizing the proposed action and fully supporting this project. ADEC stated that the long-term benefits far outweighed short-term impacts due to construction. ADEC also recommended that work be completed during low flow conditions.

RESPONSE: Thank you for your support of this project. The Forest Service will complete this project during the timing windows authorized under the Title 16 permit we receive from the ADNR-HD.

Finding of No Significant Impact

I have reviewed the environmental effects of the Shelikof Creek Stream Restoration Project disclosed in the EA. I have also evaluated whether the proposed action constitutes a significant impact on the quality of the human environment or whether the environmental impacts would be significant based on their context and intensity as defined by the National Environmental Policy Act (NEPA) using the following criteria in the implementing regulations (40 CFR 1508.27).

Context is the geographic, social, and environmental setting and timeframe within which the project may have effects. Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public. The agency has taken a hard look at the environmental effects using relevant scientific information, GIS analysis, and knowledge of site-specific conditions gained from field visits.

Context

Instream restoration would be allowed on the lower 2.5 miles of Shelikof Creek on Kruzof Island. Wood sources for structures would be harvested from young-growth and old-growth timber stands adjacent to existing roads or trails. This project proposes to harvest young growth trees in a manner that will respace the existing stand to a manner more representative to the natural condition. Collection of old-growth trees will be a combination of harvesting live trees in 3-5 tree clusters and collection of previously blown down dead trees. These methods will not negatively alter stand structure, productivity or development. Though the overall contract time period may span over two years, actual on the ground work will be completed within a 6-8 week timeframe. Please refer to Design Criteria in the EA for additional stipulations.

Intensity

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.**
   Consideration of the intensity of environmental effects is not biased by beneficial effects of the action.
2. **The degree to which the proposed actions affects public safety or health.**
   Implementation of this project would not result in any impacts to public health or safety. Though heavy equipment and helicopters will be operating in, around and over public roads and the Mud Bay MAF, contract requirements will require signage, flaggers, and road closures during any operations where the public will be in the vicinity. These measures will eliminate the direct interaction of users and equipment.
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.**
   There will be no significant effects on unique characteristics of the area because permit provisions will protect or mitigate effects to historical or cultural resources, park lands, wetlands, wild and scenic rivers, or ecologically critical areas.
4. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.**
   The restoration of Shelikof Creek is not likely to establish a precedent for future actions with significant effects, and is consistent with the 2008 Forest Plan. Any future similar actions on the Forest would go through additional NEPA analysis.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or known risks.**
   The analysis shows the effects are not uncertain, and do not involve unique or unknown risk.
6. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**
   The incremental effect of the project, coupled with other past, present or reasonably foreseeable projects indicate that the cumulative impacts are not significant.

7. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**
   No historic properties will be affected by the implementation of this project.
8. **The degree to which the action may adversely affect an endangered or threatened species or habitat that has been determined to be critical under the Endangered Species Act of 1973.**
   A biological evaluation was completed for this project, which concluded that there are no direct, indirect or cumulative effects on endangered or threatened species or its habitat.
9. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.**
   Applicable laws and regulations were considered and the action is consistent with the Tongass Land and Resource Management Plan.
10. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**
    The effects on the quality of the human environment are not likely to be highly controversial, because there is no known scientific controversy over the impacts of the project.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human or natural environment. Therefore, an environmental impact statement will not be prepared.

Compliance with Other Laws and Regulations

National Forest Management Act – The Proposed Action is consistent with the 2008 Forest Plan standards and guidelines, and all proposed activities are allowed under the Modified Landscape and Semi-Remote Recreation Land Use Designations.

The Proposed Action is consistent with the Forest-wide Standards and Guidelines for Wetlands. The Proposed Action is consistent with the principles and criteria of the State of Alaska's Policy for the Management of Sustainable Salmon Fisheries (5AAC.39.222). Specifically, section (c)(1) which identifies the importance of maintaining wild salmon habitat at levels of resource productivity that assures sustained yields, and calls for the restoration of degraded salmon spawning, incubating, and rearing habitats.

The design of the Proposed Action was guided by standards, guidelines and direction in the Forest Plan and applicable Forest Service Manuals and Handbooks.

ANILCA Section 810, Subsistence Evaluation and Finding

There is no documented or reported subsistence use that would be restricted because of this proposed action. For this reason, this action would not result in a significant possibility of a significant restriction of subsistence use of wildlife, fish, or other foods.

National Historic Preservation Act of 1966

The Forest Service program for compliance with the National Historic Preservation Act includes locating, inventorying and nominating all cultural sites that may be directly or indirectly affected by scheduled activities. This activity has been determined to have no potential to effect historic properties.

Executive Order 13007

This order directs federal agencies to accommodate access to and ceremonial use of American Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. The proposed action will not limit access to or ceremonial use of sacred sites by Indian religious practitioners and will not adversely affect the integrity of such sites.

E.O. 13175 (Consultation and Coordination with Indian Tribal Governments)

The following federally recognized tribal governments and organizations were contacted via the scoping letter. In addition, Sitka Ranger District personnel collaborated with the Sitka Tribe of Alaska numerous times regarding this project prior to and during the NEPA process through coordination meetings, semiannual consultation meetings and a site visit to Kruzof Island.

- Sitka Tribe of Alaska
- Shee Atika, Inc.
- Sealaska, Inc.
- Central Council Tlingit and Haida Indian Tribes of Alaska

Coastal Zone Management Act of 1972, as Amended

The Alaska Coastal Management Program expired under State law on June 30, 2011. Consequently, there are no longer any requirements for consistency determinations or reviews under the Coastal Zone Management Act for Forest Service activities in Alaska.

E.O. 13186 (Migratory Birds)

The project is not anticipated to negatively affect migratory bird species in the long-term (> 5 years) utilizing the project area.

Endangered Species Act of 1973

A Biological Evaluation has been completed for this action which indicates that no federally listed threatened or endangered species will be affected by this activity.

Bald Eagle Protection Act

Management activities within bald eagle habitat will be in accordance to a Memorandum of Understanding between the Forest Service and the U.S. Fish and Wildlife Service.

Clean Water Act (1977, as amended)

Proposed activities meet all applicable State of Alaska Water Quality Standards. The Forest Service must apply BMPs that are consistent with the Alaska Forest Resources and Practices Act (AFRPA) to achieve Alaska Water Quality Standards. The site-specific application of BMPs, with a monitoring and feedback mechanism, is the approved strategy for controlling nonpoint source pollution as defined by Alaska's Nonpoint Source Pollution Control Strategy (2007). In 1997, the State approved the BMPs in the Forest Service Soil and Water Conservation Handbook (FSH 2509.22, October 1996) as consistent with AFRPA. This handbook is incorporated into the Forest Plan.

Tongass Timber Reform Act (TTRA) of 1990

Forest Plan riparian Standards and Guidelines apply to the project and no commercial timber harvest will occur. The design and implementation direction incorporates best management practices (BMPs) and Forest Plan Standards, and Guidelines.

Floodplain Management (E.O. 11988), Protection of Wetlands (E.O. 11990)

This activity will not negatively affect the functional value of any floodplain as defined by Executive Order 11988 and will not have negative effects on wetlands as defined by Executive Order 11990.

Recreational Fisheries (E.O. 12962)

Federal agencies are required, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities. As required by this Order, I have evaluated the effects of this action on aquatic systems and recreational fisheries and documented those effects relative to the purpose of this order. This activity is consistent with Executive Order 12962, in that it improves the quantity, function, sustainable productivity, and distribution of United States aquatic resources for increased recreational fishing opportunities.

Environmental Justice (E.O. 12898)

I have determined that, in accordance with Executive Order 12898, this project does not have disproportionately high and adverse human health or environmental effects on minority populations and low income populations.

Invasive Species (E.O. 13112)

Executive Order 13112 directs Federal agencies to identify actions which may affect the status of invasive species; prevent the introduction of invasive species; detect and respond rapidly to and control populations of such species; monitor invasive species populations; and to provide for restoration of native species and habitat conditions in ecosystems that have been invaded. Actions to be taken include planning at the local, tribal, state level for species that are likely to cause economic or environmental harm, or, regional, and ecosystem levels, in cooperation with stake holders and organizations addressing invasive species. Agencies are not to fund or authorize actions that the agency believes are likely to cause or promote the introduction or spread of invasive species, unless the benefits of the action outweigh the potential harm caused by the species.

An invasive plant risk assessment has been completed for this project and findings and recommendations are incorporated into project designs and decisions. Refer to Invasive Weed Risk Assessment and Design Criteria in the EA for mitigation measures addressing the management of invasive plants.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies consult with the National Marine Fisheries Service when any project “may adversely affect” essential fish habitat (EFH). The Forest Service has determined that this project will not adversely affect EFH. The proposed restoration work is expected to have a long-term benefit to Essential Fish Habitat. This project will add woody material to approximately 2.5 miles of anadromous fish streams and their floodplains to improve fish habitat and stabilize stream banks. Work will be completed using heavy equipment and a helicopter for large wood placements. Approximately 300 large wood pieces including log stringers, roadside trees, blowdown trees, old growth trees with and without rootwads attached, and young growth trees with rootwads attached will be used for this project. Short term impacts to anadromous fish, such as sediment pulse into the streams when placing wood structures, will be mitigated by working within the timing window provided by Alaska Department of Fish and Game Title 16 concurrence and following the site-specific application of Forest Service Best Management Practice’s 18.1, 18.3, 12.5, and 12.17. National Marine Fisheries Service EFH consultation related to EFH for the instream work of the project will be conducted prior to implementation.

Administrative Review and Objection Rights

This decision is 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 will have standing to participate in the pre-decisional review and objection process.

After this draft decision and EA are made available to the public, a legal notice announcing the objection period for this project will be published in the Daily Sitka Sentinel, the newspaper of record for decisions

made by the Sitka District Ranger. The publication date in the Daily Sitka Sentinel is the exclusive means for calculating the time to file an objection of this project. Those wishing to object to this proposed project should not rely upon dates or timeframe information provided by any other source.

Objections will be accepted only from those who have previously submitted specific written comments regarding the proposed project during scoping or other designated opportunity for public comment in accordance with 36 CFR 218.5(a). Issues raised in objections must be based on previously submitted timely, specific written comments regarding the proposed project unless based on new information arising after designated comment opportunities. Individual members of organizations must have submitted their own comments to meet the requirements of eligibility as an individual.

Objections received on behalf of an organization are considered as those of the organization only. If an objection is submitted on behalf of a number of individuals or organizations, each individual or organization listed must meet the eligibility requirement (36 CFR 218.7). Names and addresses of objectors will become part of the public record.

The objection must be in writing and meet the content requirements at 36 CFR 218.8(d). Written objections, including any attachments, must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Reviewing Officer, Earl Stewart, Forest Supervisor, within 45 days following the publication date of the legal notice in the S. Incorporation of documents by reference in any objection is permitted only as provided for at 36 CFR 218.8(b).

Objections may be sent to:

Earl Stewart, Reviewing Officer
US Forest Service
Tongass National Forest
648 Mission Street, Federal Building Ketchikan, AK 99901-6591
Fax: (907) 228-6215
Email: objections-alaska-tongass@fs.fed.us

The office business hours for those submitting hand-delivered objections are: 8:00 AM to 4:30 PM Monday through Friday, excluding holidays. Electronic objections must be submitted in a format such as an email message, pdf, plain text (.txt), rich text format (.rtf), and Word (.doc or .docx). It is the responsibility of Objectors to ensure their objection is received in a timely manner (36 CFR 218.9).

Implementation

The regulations at 36 CFR 218 now provide for a pre-decision administrative review rather than a post-decision appeal process. At this time, I am releasing a DRAFT decision and will publish a legal notice initiating a 45-day objection period in the Daily Sitka Sentinel. At that point, members of the public may file an objection seeking a pre-decisional administrative review of the proposed project and activities. If an objection is filed, a review process begins.

Pursuant to 36 CFR 218.12, I may not sign the Decision Notice until the Reviewing Officer has responded in writing to all pending objections. Based on the discussions and findings in that review, I will issue a final decision. My decision will be consistent with the final review on the project. It is important to note that the project may be implemented after my final decision. No appeal period will be provided after the final decision is made.

If no objections are received, I may sign the decision notice five (5) business days after the close of the objection filing period. Implementation may begin immediately after the decision notice is signed.

For further information concerning the Shelikof Creek Restoration Project, contact:

Marty Becker, Project Team Leader
Sitka Ranger District, Tongass National Forest
204 Siginaka Way, Sitka, AK 99835
907-747-4293
mbecker@fs.fed.us

Respectfully,

Perry Edwards

District Ranger

Sitka Ranger District