East Ohmer Creek Restoration

FINAL Decision Notice and Finding of No Significant Impact
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Lead Agency: United States Forest Service
Petersburg Ranger District

Responsible Official: David Zimmerman
Petersburg Ranger District
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Cover Photo: Streambank erosion and channel widening resulting from unstable banks within the project area.
Dear Interested Individuals, Agencies and Organizations:

The Petersburg Ranger District has released the Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the East Ohmer Creek Restoration Environmental Assessment (EA). After consideration of the public and agency input, the recommendations of resource specialists, and the applicable laws and regulations, I have selected the Proposed Action for implementation, including all project design elements and monitoring described in the EA.

These documents, in addition to comments received on the project and the Forest Service’s response to those comments, are available online at: http://www.fs.usda.gov/project/?project=46654. Printed copies of the EA, DN and FONSI are also available for review at the Petersburg Ranger District.

The East Ohmer Creek Restoration project area is located on Mitkof Island, which is situated between the mainland to the east and Kupreanof Island to the west, approximately 140 miles south of Juneau, Alaska. East Ohmer and Lumpy Creeks, the two creeks with stream channels proposed for restoration, are approximately 21 miles south of Petersburg, Alaska along Mitkof Highway. The wood collection area for the proposed instream structures is located 12.0 miles west from the junction of FS road 6245 and Mitkof Highway, west of Woodpecker Cove.

The purpose of this project is to restore degraded stream habitat by stabilizing stream banks and increasing pool area and complexity, and to improve floodplain condition through placements of wood within the floodplain for flood resilience and nurse log growth sites. The need for this project results from previous disturbance through timber harvest, road building, and the removal of stumps and topsoil in the floodplain and alluvial fan from approximately 1959 through 1960. These activities resulted in a lack of large wood and reduced soil productivity within the streams and floodplain proposed for restoration.

I want to thank those of you who took the time to review and comment on this project. For more information, please contact Heath Whitacre, project team leader, at 907-772-5934 or hwhitacre@fs.fed.us.

Sincerely,

DAVID ZIMMERMAN
District Ranger
INTRODUCTION

This Decision Notice (DN) contains a brief summary of the environmental analysis completed for the East Ohmer Creek Restoration project, my decision regarding which alternative to implement, and the rationale for my decision. It also contains findings required by various laws and regulations. The Environmental Assessment (EA) completed for this project and the associated project record are incorporated by reference in this decision document.

DECISION

After consideration of the public and agency input, the recommendations of resource specialists, and the applicable laws and regulations, I select the Proposed Action (hereafter called the Selected Alternative) for implementation including all project design features listed on pages 14 and 15 of the EA and the monitoring described on page 2 in the EA’s summary table.

The purpose of this project is to restore degraded stream habitat by stabilizing stream banks and increasing pool area and complexity, and to improve soil productivity, stability, and flood resilience within the floodplain through placements of large wood. The need for this project results from previous disturbance through timber harvest, road building, and the removal of stumps and topsoil in the floodplain and alluvial fan from approximately 1959 through 1960. These activities resulted in a lack of large wood and reduced soil productivity within the streams and floodplain proposed for restoration. The Selected Alternative will meet the project purpose and need by allowing the following activities:

- Improve degraded stream habitat in the active channels of approximately 0.2 miles of East Ohmer Creek and up to 0.4 miles of Lumpy Creek by constructing approximately 15 structures using an excavator or a helicopter to stabilize stream banks and increase pool area and complexity.
- Improve flood resilience, soil productivity, and stability within the floodplain through the addition of logs, whole trees with rootwads attached, rootwad stumps, mounded topsoil, and wood from previously-harvested timber unit cull/slash piles.
- Maintain and improve two previously-constructed fish rearing ponds by adding whole trees and tree tops to provide cover, and reestablishing flow connection on one of the ponds.
Harvest approximately 110 trees from a roadside source along Forest Service Road 6245 near Woodpecker Cove for use in these restoration efforts.

Construct temporary puncheon trails to access the instream restoration sites by removing a small number of young-growth conifer and alder trees.

Remove trash including logging cables, rusted 55 gallon drums, a junked truck, and miscellaneous debris currently on the site. All trash accessible from equipment access trails or transportable by hand would be hauled to a landfill.

This decision incorporates forest-wide standards and guidelines (Chapter 4) and Forest Plan direction for Fish, Forest Health, Heritage Resources and Sacred Sites, Invasive Species, Lands, Minerals and Geology, Plants, Recreation and Tourism, Riparian, Scenery, Soil and Water, Subsistence, Timber, Wetlands, and Wildlife.

Specific project design features and Best Management Practices (BMPs) used to prevent or minimize potential negative effects are listed in the EA on pages 14-15.

DECISION RATIONALE

My decision to implement the Selected Alternative considered how best to meet the purpose and need for this project, the existing conditions within the project area, environmental effects, social values, and public comments. My conclusion is based on the project-specific environmental analysis included in the EA, and a review of the record that shows a thorough analysis using the best available science. The Selected Alternative meets the stated purpose and need within the framework of existing laws, regulations, policies, and the 2008 Forest Plan in relation to information disclosed in the EA and project record.

I have reviewed the Council of Environmental Quality Regulation for “significance” (40 C.F.R. §1508.27) and I have determined that the decision is not an action that would significantly affect the quality of the human environment either individually or cumulatively; nor would this decision affect the quality of the human environment in either context or intensity. Therefore, an environmental impact statement (EIS) will not be prepared. This conclusion and finding is based on a Finding of No Significant Impact.

I chose the Selected Alternative (Proposed Action) because it best meets the purpose and need and addresses the relevant concerns identified during project scoping. As a result of the comments received, the following modifications were made to the Proposed Action:

- The number of trees proposed to be harvested for construction of in-stream structures has decreased from 130 to 110 (approximately 60 MBF (thousand board feet)).
- The proposed wood stockpile area was moved from the rockpit near the junction of roads FS6246 and FS6246 to the open portion of FS40100 nearer the project site.
- A new rearing pond will not be constructed; instead, related activities will focus on maintaining and improving cover within the rearing ponds previously constructed.
- The riparian area is no longer proposed for thinning due to ongoing poor soil and hydrologic conditions that would limit the benefit of such activity.
- Alternative wood sources will be considered in lieu of harvesting within the identified wood collection area.
The key issue identified from scoping comments concerned the source location and use of old growth trees harvested in support of the restoration efforts. In response to public comments the Forest Service will consider additional options for trees intended to be placed in the floodplain for flood resilience and as nurse logs for future growth. These options include "cull wood" intended to be left onsite at a harvest unit or lower value hemlock from either recently harvested timber units or units identified in future timber sales on Mitkof Island if available. Other options include local private sources such as contractors or individuals acquiring wood from lot-clearing activities. These alternative sources will also be considered for the wood intended for instream use. Trees used for instream structures, however, will be free from rot in order to provide the highest benefit for the longest length of time within the streams, and will meet pre-determined size classes and lengths for constructing the restoration structures.

If alternative wood sources become available these options would be considered in lieu of harvesting the wood within the planned harvest area (Figure 2 in the EA). Similarly, if wood becomes available through unpredictable, stochastic events such as landslides or natural blowdown, the wood would be considered for this project. In such cases, the goals and objectives for the particular Land Use Designation (LUD) in which the wood is located would be met, the Forest Plan Standards and Guidelines for resource protection would be applied, and the Project Design Features (pages 14-15 in the EA) for wood collection activities would be implemented. If these sources are not available or are cost-prohibitive at the time of implementation, the trees for the project would be sourced from the currently proposed collection site.

The East Ohmer Creek Restoration EA documents the environmental analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

This action was originally listed as a proposal on the Tongass National Forest Schedule of Proposed Actions and was updated periodically during the analysis. The public was invited to review and comment on the proposal through a scoping letter posted July 27, 2015 on the Tongass National Forest website for the Petersburg Ranger District. The scoping letter was circulated to approximately 110 individuals and entities on the project mailing list. A legal notice triggering a 30-day comment period on the Proposed Action was published in the Petersburg Pilot, the newspaper of record, on July 30, 2015. Seven comment letters were received and considered during the environmental analysis.

The EA was posted on the Tongass National Forest website on March 8, 2016. A public notice summarizing the project and requesting public input was placed in the Petersburg Pilot on March 10, 2016, which initiated a second 30-day comment period. The notice also provided a link to the project’s website where the EA could be viewed. Notification of the EA’s availability was circulated electronically and through the US Postal Service to approximately 260 individuals and entities on the project mailing list. One comment letter was received during this comment period.

The interdisciplinary team’s response to comments, received during initial scoping and following the release of the EA, can be found on the project web page: http://www.fs.usda.gov/project/?project=46654.
Agencies consulted during project planning and analysis are listed on page 33 of the EA.

The DRAFT decision and EA were available to the public on the project’s website and at the Petersburg Ranger District on September 14, 2016. Notification of their availability was circulated electronically and through the US Postal Service to approximately 500 individuals and entities. A legal notice announcing the opportunity to object to the DRAFT decision was published in the Petersburg Pilot on September 22, 2016 in accordance with 36 CFR 218. The objection period ended November 7, 2016. No objections were filed.

See the project record for all documentation of public involvement.

CHANGES AND CLARIFICATIONS TO THE EA

One item was incorrectly presented in the EA. Under “Wood Collection” (Pages 3-4) the last paragraph states, “If alternative wood sources become available through local contractors, state or private timber sales, or private individuals these options would be considered in lieu of harvesting the wood within the planned harvest area (Figure 2).” The sentence should read “state or future timber sales”. The intent is to ensure that if low-value hemlock can be sourced from future timber sale units on Mitkof Island, that option is considered among the other options identified.

Under “Compliance with Other Laws and Regulations” in the EA, the Executive Order 12962 (Recreational Fisheries) was mentioned twice, the second time under “E.O. 12962 (Aquatic Systems, Recreational Fisheries) (Page 32). The order is the same and is correctly identified as Recreational Fisheries in the Finding of No Significant Impact (FONSI) below.

FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on 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.** Neither adverse nor beneficial effects are significant in context or intensity to warrant an EIS for this project. My finding of no significant environmental effects is not biased by the beneficial effects of the action.

2. **The degree to which the proposed action affects public health or safety.** Based on the conclusions in the EA, I have determined that no significant impact would occur to the public health and safety. While project operations could have minimal and short-term adverse effects on recreational users of the area and may cause short traffic delays, the Forest Service would communicate where potential delays could take place.

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 the project does not enter into any inventoried roadless areas. Additionally, no historic properties, park lands or farmlands are located with the area of potential effects for the project. No designated Wild and Scenic Rivers or Recreational Rivers occur in the project area or are affected by the project. The proposed action would not affect the eligibility of any segments recommended for either Wild and Scenic River System or Recreational River designation, and no high-value wetlands will be affected by the project. Therefore, I have determined there will be no significant effects on any unique characteristics of the area.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. While there is general controversy over old growth timber harvest in Southeast Alaska, this project proposes to harvest an estimated 110 lesser-value and/or defective old growth trees for the purpose of improving stream habitat. This project responds to the goals and objectives of the Forest Plan and helps move the project area towards conditions described in the Forest Plan. Therefore, I have determined that there are no significant impacts based on the evidence found in the EA that would be highly controversial.

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 the types of activities to be implemented. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk. Similar restoration work like what is proposed and analyzed in the EA have been successfully implemented on the Petersburg Ranger District and elsewhere on the Tongass National Forest. Based on this analysis, I have determined there are no unique or unknown risks involved with this project, therefore there is no significant impact due to uncertainty or a possible unique or unknown risk.

6. The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration. This action is not likely to establish a precedent for future actions with significant effects, since the proposed activities are expected to have overall beneficial effects to the watershed. I have therefore determined the Selected Alternative would not set precedent for future actions with significant impacts, nor would it represent a decision in principle about a future consideration.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. I have determined the Selected Alternative will have individually insignificant impacts and cumulatively insignificant impacts as they relate to past, present, and reasonably foreseeable actions. All previously harvested stands on the District have regenerated. The limited timber harvest contributes minimally to cumulative effects, furthermore, no significant cumulative effects were identified for any resource in the EA. Stream and floodplain habitat improvements should have long term beneficial effects to project area aquatic and riparian habitats and aquatic organisms.
8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

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

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*

I have determined no significant impacts would occur that adversely affect an endangered or threatened species or its critical habitat.

A Biological Evaluation (BE) for fish and wildlife was completed for the East Ohmer Creek Restoration EA (Lombard and Dungan 2015). It was determined the action will not adversely affect any endangered or threatened species or critical habitat in the project area, and no project work is proposed for the marine environment.

No plants federally listed or proposed by the U.S. Fish and Wildlife Service are known or expected to occur in the Alaska Region (Johnson 2015); therefore, I have determined no significant impacts would occur that adversely affect an endangered or threatened species or its habitat.

10. *Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.*

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

**FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

**National Forest Management Act / 2008 Tongass Land and Resources Management Plan**

This decision is consistent with the 2008 Tongass National Forest Land Management Plan. This project incorporates all applicable Forest Plan standards and guidelines and management area prescriptions as they apply to the project area and complies with Forest Plan goals and objectives. This includes the additional direction contained in the 2008 Record of Decision for the Forest Plan Revision. Interagency review and coordination occurred during project scoping and review of the EA. Further coordination with the Alaska Department of Fish and Game for Title 16 fish habitat concurrence and Department of the Army for application of a Nationwide

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Permit 27 will occur prior to project implementation. Application of Forest Plan direction for the East Ohmer Creek Restoration project ensures compliance at the project level.

**Tongass Timber Reform Act**

Application of Forest Plan Riparian Standards and Guidelines ensures that no commercial timber harvest is allowed within 100 feet horizontal distance either side of Class I (anadromous) or Class II (resident fish) streams flowing directly into a Class I stream. No commercial timber harvest will occur within the buffer area. The design and implementation direction in the EA incorporates best management practices (BMPs), and Forest Plan Standards and Guidelines for the protection of all stream classes. Therefore, I have determined this project is consistent with Tongass Timber Reform Act (TTRA) direction.

**Endangered Species Act (1973, as amended)**

Biological evaluations were completed for threatened, endangered, candidate, and sensitive species. One sensitive species, the Queen Charlotte goshawk, is expected to experience minor adverse effects due to potential human disturbance at undocumented nest sites. These effects may adversely impact individuals, but not likely to cause a trend toward federal listing or a loss of viability in the Planning Area. In accordance with Forest Plan Standards and Guidelines, all known goshawk nests within the project area have 100-acre + buffers. Any new active goshawk nests found before or during the implementation of this project, would receive the required 100-acre buffer, and timing restrictions would be enforced. Effects were determined to be “No Effect” in the EA, therefore I find that no significant effects would occur to federally listed threatened and endangered species as a result of this decision.

**Bald and Golden Eagle Protection Act (1940, as amended)**

Management activities within bald eagle habitat will be in accordance to 50 CFR 22.26, National Bald Eagle Management Guidelines (2007). No bald eagle nests are known in the project area. Therefore, I determine that no significant effects would occur to bald or golden eagles in the project area.

**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 reviewed by a qualified archeologist and a determination was made that no known cultural resources are present in the project area, therefore I find that no significant effects would occur to historic resources as a result of this decision.
ANILCA Section 810 and Section 811, Subsistence Evaluation and Finding

The effects of this project have been evaluated to determine potential effects on subsistence opportunities and resources. Factors considered include abundance and distribution of subsistence resources, access to resources, and competition between rural and non-rural users. There is no documented or reported subsistence use that will be restricted as a result of this decision. For this reason, neither of the alternatives would result in a significant possibility of a significant restriction of subsistence use of wildlife, fish, or other foods. Therefore, I have found East Ohmer Restoration Selected Alternative consistent with ANILCA.

Clean Water Act (1977, as amended)

Congress intended the Clean Water Act of 1972, as amended in 1977 and 1987, to protect and improve the quality of water resources and maintain their beneficial uses. Section 313 and Executive Order 12088 of January 23, 1987 address Federal agency compliance and consistency with water pollution control mandates. The site-specific application of best management practices (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 (ADEC 2013). In 1997, the State approved the BMPs as described in the Forest Service’s Soil and Water Conservation Handbook (USDA Forest Service 2006) as consistent with the Alaska Forest Resources and Practices Regulations (AFRPA). The BMPs are incorporated into the Tongass Land Management Plan. The Forest Service issued National Core BMPs in 2012 (USDA 2012). The East Ohmer Creek Restoration project would implement the most up-to-date BMP guidance to achieve Alaska Water Quality Standards.

I have determined that this project fully complies with the Clean Water Act, and have therefore determined that no significant impact to water quality is expected to occur from this decision.

Clean Air Act (1970, as amended)

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

Marine Mammal Protection Act (1972, as amended)

No marine habitat occurs within the East Ohmer Creek Restoration project area. None of the actions authorized in this project would have an effect on marine mammals. Therefore, I have determined that no significant impact to marine mammals would be expected to occur from this decision.
Magnuson-Stevens Fishery Conservation and Management Act

Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires consultation with the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NMFS) for actions or proposed actions that may adversely affect Essential Fish Habitat (EFH). This consultation was initiated on October 9, 2015. The East Ohmer Creek Restoration project may adversely affect EFH in the short-term, because the project will have direct effects to EFH. These short-term negative effects are expected as a result of the construction of instream large wood structures. However, these actions will restore and enhance habitat and likely contribute to increased fish production in the long term, thus having an overall beneficial effect on EFH. Therefore, it is my determination that implementing the Selected Alternative, including the application of relevant Forest Plan Standards and Guidelines, BMPs, and project design features makes it unlikely that any significant adverse effects would occur to Essential Fish Habitat.

Executive Order 11988 – Floodplains

This executive order speaks to the long-term occupancy of floodplains and the avoidance of floodplain development. This project is not supporting long-term occupancy of floodplains and is in fact improving floodplain function. The essence of the East Ohmer Restoration project makes it impossible to avoid all floodplains during project work, and in fact requires access to the floodplain in order to implement the project. Temporary access roads may be constructed (or reconstructed) in or through riparian areas subject to the design requirements of the BMPs. Although the Selected Alternative directly affects floodplains, I determine that no significant impacts to floodplains would occur as a result of this decision.

Executive Order 11990 – Wetlands

Approximately one acre of forested wetland is located near the wood harvest area. The project would not have negative impacts on high-value wetlands as defined by E.O. 11990. Therefore, I determine that no significant impacts to wetlands would occur as a result of this decision.

Executive Order 12962 – Recreational Fisheries

This executive order addresses recreational fishing in the United States. 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. The potential impacts of the project on Essential Fish Habitat (EFH) have been evaluated, and the proposed activities are anticipated to have no long-term adverse effect on EFH and/or recreational fisheries.

This project minimizes the effects on aquatic systems through project design features, application of Forest Plan Standards and Guidelines, BMPs, and site-specific mitigation measures. The potential effects of this project are consistent with E.O. 12962 since it improves
the quantity, function, sustainable productivity, and distribution of United States aquatic resources for increased recreational fishing opportunities. Therefore, I determine that no significant impacts to recreational fisheries would occur as a result of this decision.

**Executive Order 13112 – Invasive Species**

This order directs all 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. An invasive plant risk assessment has been completed for this project, the findings and recommendations of which are incorporated into project design and decision. Project design features in the EA (pages 14-15) include mitigation measures to reduce the potential for introduction and spread of invasive species. Implementation of this project, including treatments and mitigation measures, is expected to have a low to moderate risk for potential invasive plant introductions and spread. Therefore, I determine that this project will not result in significant impacts from invasive species introduction or spread in the project area. The need to treat invasive species presently established would remain.

**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 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 which 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 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 with tribal implications.

Throughout the span of the East Ohmer Creek Restoration project, District archaeologists communicated with the Petersburg Indian Association, Wrangell Cooperative Association, Central Council Tlingit and Haida Tribes of Alaska (federally recognized tribes), as well as Sealaska Corporation and Sealaska Heritage (native corporations). Tribal consultation does not imply the tribes endorse the preliminary selected action or any of the alternatives.
Executive Order 13186 – Migratory Birds

The Migratory Bird Treaty Act of 1918 (amended in 1936, 1974, and 1989) prohibits the taking of migratory birds, unless authorized by the Secretary of Interior. Executive Order 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds; 66 FR 3853; January 10, 2001) provides for the conservation of migratory birds and their habitats and requires the evaluation of the effects of federal actions on migratory birds, with an emphasis on species of concern. Federal agencies are required to support the intent of the migratory bird conventions by integrating bird conservation principles, measures, and practices into agency activities and by avoiding or minimizing, to the extent practicable, adverse impacts on migratory birds when conducting agency actions. In 2008, pursuant to Executive Order 13186, the Forest Service and U.S. Fish and Wildlife Service entered into a Memorandum of Understanding (MOU; FS Agreement # 08-MU-1113-2400-264) which outlines a collaborative approach to promote the conservation and reduce the take of migratory birds.

This project was developed in adherence with the relevant principles and intent outlined in the MOU, and the effects to migratory birds were analyzed in the Wildlife Project Level Analysis report. The analysis found that the project would have minor effects to migratory birds in the short-term due to disturbance during project implementation, beneficial long-term effects for migratory bird species associated with riparian habitats, and a small reduction in habitat quality for species that rely on old-growth or larger young-growth trees. A negligible loss of nesting and foraging habitat for some old-growth dependent species may also occur.

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.

Required Permits and Concurrence

Prior to implementation of this project, one permit and one concurrence is required from other federal and State agencies, as follows:

- A Department of the Army (DA) permit is required because this project involves placement of dredged and/or fill material into waters of the U.S. under DA regulatory jurisdiction. Fill material is generated by digging trenches to key trees into the banks, then re-filling the trench with the same excavated material. An application for a Nationwide Permit 27, Aquatic Habitat Restoration, Establishment, and Restoration, will occur prior to project implementation.
- Title 16 fish habitat concurrence through the Alaska Department of Fish and Game is required prior to any instream work. This concurrence will determine the instream construction timing windows to minimize negative effects to fish.
**PROCESS FOR CONSIDERING NEW INFORMATION**

In the event new information becomes available or changed direction for any resource occurs during implementation of the East Ohmer Creek Restoration decision, the following Forest Service direction from Forest Service Handbook (FSH) 1909.15, section 18.1 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 program or 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.

**DISTRIBUTION**

The East Ohmer Creek Restoration Decision Notice, FONSI, and EA are available on the internet at [http://www.fs.usda.gov/project/?project=46654](http://www.fs.usda.gov/project/?project=46654). Notification of the availability of this Decision Notice was sent to the project mailing list including State and Federal agencies, Indian Tribal governments, anyone commenting on the project, and anyone requesting a copy of this decision. The project mailing list is available in the project record. The Decision Notice is also available in hard copy or on CD, upon request.

**IMPLEMENTATION**

The 36 CFR 218 regulations provide for a pre-decision administrative review rather than a post-decision appeal process. The pre-decision review, the objection period, ended on November 7, 2016. No objections were filed.

Pursuant to 36 CFR 218.12, I may sign the decision notice five (5) business days after the close of the objection filing period. Implementation may begin immediately after this decision notice is signed.
CONTACT INFORMATION

For additional information concerning this decision, contact: Heath Whitacre, Hydrologist/Project Leader, Petersburg Ranger District, PO Box 1328, Petersburg, AK 99833, 907-772-5925, hwhitacre@fs.fed.us.

Respectfully,

DAVID ZIMMERMAN
District Ranger

Date

11-23-16
REFERENCES

