South Fork Saginaw Creek Restoration

DRAFT 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
PO Box 1328
Petersburg, AK 99833

For Further Information, Contact: Heath Whitacre
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Cover Photo: Channel incision and widening resulting from unstable banks within the project area.
Dear Interested Individuals, Agencies and Organizations:

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

The Proposed Action of South Fork Saginaw Creek Restoration project would implement stream and floodplain restoration on approximately 0.6 miles of South Fork Saginaw Creek and 0.4 miles of Shorty Creek, a tributary of Rowan Creek. Both are anadromous fish streams located in the Saginaw Creek and Rowan Bay watersheds on Kuiu Island near Kake, Alaska. Current stream channel and floodplain habitat conditions along portions of these streams are degraded as a result of floodplain tree harvest and road building activity beginning in 1970, prior to the 1990 Tongass Timber Reform Act which subsequently provided buffer protection.

The EA, draft DN and FONSI, 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=49992. Printed copies of the EA, draft DN and FONSI are also available for review at the Petersburg Ranger District.

This project is subject to the pre-decisional administrative review process (objection process) pursuant to 36 CFR 218, subparts A and B. Please review the information concerning implementation of this draft decision and objection rights and procedures carefully, as these are new regulations. Detailed information on objection rights and procedures are included in the draft Decision Notice, beginning on page 11.

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 907-772-3871 or hwhitacre@fs.fed.us.

Sincerely,

DAVID ZIMMERMAN
District Ranger
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INTRODUCTION

This DRAFT Decision Notice (DN) contains a brief summary of the environmental analysis completed for the South Fork Saginaw Creek Restoration project, my intended decision regarding which alternative to implement, and the rationale for my intended decision. It also contains certain findings required by various laws and information concerning the right to Administrative Review of this decision. The Environmental Assessment (EA) completed for this project and the associated project record is 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, it is my intention to select the Proposed Action (hereafter called the Selected Alternative) for implementation including all project design elements and monitoring described in the EA.

The purpose of this project is to restore degraded stream habitat by increasing pool area and complexity, stabilizing stream banks where necessary, and improving floodplain connectivity and flood resilience through strategic placements of large wood. The need for this project results from degraded habitat conditions caused by timber harvest and road building activities prior to the 1990 Tongass Timber Reform Act (TTRA), which subsequently provided buffer protection to fish-bearing streams. These activities resulted in a lack of large wood within the streams and floodplains proposed for restoration. The Selected Alternative will meet the project purpose and need by allowing the following activities:

- Restore and stabilize anadromous and resident fish habitat by constructing approximately 21 large wood structures (logs, trees with rootwads attached) into the active stream channels of approximately 0.6 miles of South Fork Saginaw Creek and up to 0.4 miles of Shorty Creek, a tributary to Rowan Creek on Kuiu Island.
- Improve floodplain condition by adding large wood to the floodplain of both streams using heavy equipment or helicopter.
- Harvest and stockpile approximately 450 trees, including cut logs and whole trees with rootwads attached.
• Construct temporary puncheon trails to access the restoration sites. Puncheon trails would be constructed using cull and small diameter trees to facilitate access by heavy equipment.

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 16-18.

**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 2016 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 CFR §1508.27) and I have determined 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. No modifications were made to the proposed action as a result of the comments received during the public scoping period. However, the following information was included the EA as a result of the comments received:

• A section titled “Wood Recruitment, Abundance, and Depletion” was included in the EA in response to questions about historic amounts of wood, and recruitment sources.

• A section titled “Instream Structures” was included in the EA in response to questions about the longevity, or life expectancy of the structures and the need for additional treatments until wood begins to recruit to the stream naturally.

Two letters were received during the scoping period for this project. A predominant issue was not identified based on the scoping comments received for this project. These comments primarily requested additional information which was provided in the EA as described above and as outlined in the “Response to Comments Received” spreadsheet within the project record. Comments received for similar projects identified concerns regarding the location and type of wood used for the project. As such, the Forest Service will consider additional options for sourcing trees from alternative locations that may not currently be available. 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 Kuiu Island if available. 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 16-18 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 South Fork Saginaw Creek Restoration EA documents the environmental analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

The project was first listed on the live Schedule of Proposed Action (SOPA) in August 2016. The listing included a brief description of the project proposal. On August 31st, a scoping letter providing a description of the project area, maps, the need for the proposal and a proposed action was posted on the project website (https://www.fs.usda.gov/project/?project=49992). To alert the public of this scoping letter and to request public input, an email was sent to 443 subscribers to the project, and postal letters were sent to approximately 35 contacts. Also at this time, tribal consultation letters describing the project and seeking input were mailed to 7 central Southeast Alaska tribal groups and corporations. A legal notice announcing a 30-day comment period on the Proposed Action was published in the Petersburg Pilot, the newspaper of record, on September 1, 2016. Two comment letters were received during this comment period. These comments were addressed in the EA and in a comment response spreadsheet. The comments and response spreadsheet are available on the project website, and in the project record.

In late March, the South Fork Saginaw Creek Restoration Environmental Assessment (EA) was made available to the public via the project website at the link above. To alert the public of its availability and to request public input, an email was sent to 533 subscribers to the project, and postal letters were mailed to 39 contacts. A legal notice announcing a 30-day comment period was published in the Petersburg Pilot on March 30, 2017. No additional comments were received during this second comment period.

CHANGES AND CLARIFICATIONS TO THE EA

Updates were made to the section titled “Compliance with Other Laws and Regulations” (see below and EA pages 33-37). In addition, minor editorial corrections were made to the document which did not affect the content of the analyses.

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 public use of Kuiu Island is minimal, project operations could have short-term adverse effects on recreational users of the area and may cause short traffic delays or reroutes. 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 any inventoried roadless areas. Additionally, no historic properties, park lands or farmlands are located within 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 Selected Alternative 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 Selected Alternative. While there is general controversy over old-growth timber harvest in Southeast Alaska, this project proposes to harvest an estimated 200 lesser-value and/or defective old-growth trees and 250 young-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, based on the EA, I have determined there are no significant impacts 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 has been successfully implemented on the Petersburg Ranger District and elsewhere on the Tongass National Forest. Based on this analysis, I have determined that no unique or unknown risks occur 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 project area watersheds. 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 harvested stands on the District have regenerated. The limited timber harvest from this project 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 South Fork Saginaw Creek Restoration EA (Bakos 2017). 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 2016); 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 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 / 2016 Tongass Land and Resources Management Plan

I have determined this decision is consistent with the 2016 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 2016 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 Permit 27 will occur prior to project implementation. Application of Forest Plan direction for the South Fork Saginaw 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)

I concurred that there will be no effects to species listed as threatened or, endangered (or candidate species) pursuant to Section 4 of the Endangered Species Act of 1973, as amended. Therefore, consultation with the U. S. Fish and Wildlife Service or National Marine Fisheries Service is not required.

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

Management activities within bald eagle habitat will be in accordance adhere to the 50 CFR 22.26, National Bald Eagle Management Guidelines (2007) in accordance with Forest Plan standards and guidelines and in compliance with the Bald and Golden Eagle Protection Act. No bald eagle nests are known in the project area. Shoreline habitats would not be affected and the potential for disturbance to nesting bald eagles from helicopter use would be avoided. Therefore, I have determined no significant effects will occur to bald or golden eagles in the project area.

National Historic Preservation Act of 1966

The National Historic Preservation Act (NHPA) sets forth government policy and procedures regarding “historic properties”; districts, sites, buildings, structures, and objects included in, or eligible for, the National Register of Historic Places (NRHP). Section 106 of the NHPA, requires that federal agencies consider the effects of their actions on such properties, following regulations issued by the Advisory Council on Historic Preservation. A Forest Service
archeologist reviewed this project and conducted a survey for historic properties and cultural resources, as defined in NEPA, in the area of potential effect. The work did not result in the discovery of cultural resources or historic properties and under the provisions of Section 106 of the NHPA, I have made a determination of No Historic Properties Affected.

**ANILCA Section 810, Subsistence Evaluation and Finding**

In compliance with Section 810 of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), a subsistence evaluation was conducted for the no action alternative and the proposed action for this project. The evaluation concluded the South Fork Saginaw Creek Restoration project, including the Selected Alternative, will not have a significant possibility of a significant restriction to subsistence uses.

**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 2015). 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. The BMPs are incorporated into the Tongass Land Management Plan. The Forest Service issued National Core BMPs in 2012 (USDA 2012). The South Fork Saginaw Creek Restoration project would implement the most up-to-date BMP guidance to achieve Alaska Water Quality Standards.

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

**Marine Mammal Protection Act (1972, as amended)**

No marine habitat occurs within the South Fork Saginaw Creek Restoration project area. None of the actions authorized in this project would have an effect on marine mammals. Therefore, I have determined no significant impact to marine mammals is expected to occur from this decision.

**Magnuson-Stevens Fishery Conservation and Management Act**

Essential Fish Habitat (EFH) consultation was initiated on March 13, 2017. The Forest Service believes there will be short-term adverse effects such as sediment pulses and increased turbidity during instream construction of structures, but there will be no long-term adverse effects to EFH.
I have reviewed the potential effects of the Selected Alternative on EFH and have determined this project will ultimately improve EFH by creating and maintaining complex 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 South Fork Saginaw Creek 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 have determined no significant impacts to floodplains will occur as a result of this decision.

**Executive Order 11990 – Wetlands**

Approximately 1 acre of forested wetland is located near the wood harvest area. The project will not have negative impacts on high-value wetlands as defined by E.O. 11990. Therefore, I have determined no significant impacts to wetlands will result from 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 U.S. aquatic resources for increased recreational fishing opportunities. Therefore, I have determined no significant impacts to recreational fisheries will 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 the 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 have determined 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 remains.

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. I have determined tribal governments or their authorized representatives were consulted and they did not identify any specific sacred site locations within 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. Tribal consultation does not imply the tribes endorse the selected action or any of the alternatives.

I have complied with this Order and have consulted with and provided information to the following tribal governments about this project: Petersburg Indian Association, Wrangell Cooperative Association, Central Council Tlingit and Haida Tribes of Alaska, and Organized Village of Kake. In addition, I have consulted with and provided information to the following tribal corporations and institute about this project: Kake Tribal Corporation, Sealaska Corporation and Sealaska Heritage Institute.

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. Based on the project level analysis for wildlife, the project will 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 productive old-growth habitats. Overall, I have determined there would be negligible adverse effects to migratory birds from the Selected Alternative.

**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. I have determined the Selected Alternative will maintain current hunting opportunities, and will have negligible effects to game species habitats.

**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 South Fork Saginaw Creek Restoration Selected Alternative, 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 South Fork Saginaw Creek Restoration DRAFT Decision Notice, FONSI, and EA are available on the internet at [http://www.fs.usda.gov/project/?project=49992](http://www.fs.usda.gov/project/?project=49992). Notification of the availability of this DRAFT Decision Notice was sent to the project mailing list including state and federal agencies, 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 DRAFT Decision Notice is also available in hard copy or on CD, upon request.

ADMINISTRATIVE REVIEW AND OBJECTION RIGHTS

After this DRAFT decision is made available to the public, a legal notice announcing the objection period for this project will be published in the *Petersburg Pilot*, the newspaper of record. The publication date in the *Petersburg Pilot* 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 *Petersburg Pilot*. 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  
Tongass Supervisors Office  
Federal Building  
648 Mission Street  
Ketchikan, Alaska 99901  
Fax: 907-228-6301  
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).
If objections are received, there is a 45-day objection review period in which the responsible official, the reviewing officer and the objectors may meet to attempt to resolve issues. At the end of the 45 days, the reviewing officer will issue a written response detailing how the objections have been addressed, which may also include instructions to the responsible official (36 CFR 218.11(b)).

**IMPLEMENTATION**

A final decision may occur on, but not before, five business days from the close of the objection period filing period, if no objections are received (36 CFR 218.12(c)(2)).

If objections are received, a final decision will not be signed until all concerns and instructions identified by the reviewing officer in the objection response have been addressed by the responsible official (36 CFR 218.12(b)).

Implementation of decisions subject to the objection process may commence immediately after a final decision is signed. There is no requirement to publish notification of the decision.

**CONTACT INFORMATION**

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

**RESPONSIBLE OFFICIAL**

David Zimmerman
Petersburg District Ranger

**REFERENCES**


