



United States
Department of
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Forest Service

Tongass
National Forest
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January 2012



Ketchikan-Misty Fiords Outfitter and Guide Management Plan

Record of Decision

Tongass National Forest
Ketchikan-Misty Fiords Ranger District
Ketchikan, Alaska



Ketchikan-Misty Fiords Outfitter and Guide Management Plan EIS - Key Acronyms and Other Terms

ACMP	Alaska Coastal Management Plan	LUD	Land Use Designation
ADF&G	Alaska Department of Fish and Game	NAGPRA	Native American Graves Protection and Repatriation Act
AIRFA	American Indian Religious Freedom Act	NEPA	National Environmental Policy Act
ANCSA	Alaska Native Claims Settlement Act	NFS	National Forest System
ANILCA	Alaska National Interest Lands Conservation Act	NHPA	National Historic Preservation Act
BMP	Best Management Practices	NMFS	National Marine Fisheries Service
CEQ	Council on Environmental Quality	NOAA	National Oceanic and Atmospheric Administration
CFR	Code of Federal Regulations	ROS	Recreation Opportunity Spectrum
CZMA	Coastal Zone Management Act	RSNT	Remote Setting Nature Tours
DN	Decision Notice	SD	Service Day
EA	Environmental Assessment	SHPO	State Historic Preservation Officer
EIS	Environmental Impact Statement	SOPA	Schedule of Proposed Actions
ESA	Endangered Species Act	SUA	Special Use Authorization
FONSI	Finding of No Significant Impact	T&E	Threatened and Endangered
FSH	Forest Service Handbook	Forest Plan	Tongass Land and Resource Management Plan
FSM	Forest Service Manual	TTRA	Tongass Timber Reform Act
IDT	Interdisciplinary Team	USFWS	United States Fish and Wildlife Service
KMRD	Ketchikan-Misty Fiords Ranger District	VCU	Value Comparison Unit
LAC	Limits of Acceptable Change (process)	WA	Wilderness Area
LNT	Leave No Trace		

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Front Cover: Margaret Creek bear viewing site.

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File Code: 1950

Date: January 26, 2012

Dear Planning Participant:

Here is your copy of the Record of Decision (ROD) for the Ketchikan-Misty Fiords Outfitter and Guide Management Plan project on the Ketchikan-Misty Fiords Ranger District (KMRD), Tongass National Forest. The ROD documents my final decision on the Selected Alternative and the facts considered in reaching the decision. The effective date of implementation for the decision and the notice of rights of appeal are also specified in the ROD.

Copies of the Final Environmental impact Statement (FEIS) and ROD have been directly mailed to those people who requested to be on the mailing list. Additional copies of the FEIS and ROD are available for review in several formats including electronic and hard copy. The FEIS and ROD can be found on the internet at:

http://www.fs.fed.us/r10/tongass/projects/nepa_project.shtml?project=32817 or, if you prefer more history of the project, at:

<http://www.fs.fed.us/r10/tongass/districts/ketchikan/recreationplanning.shtml> and look for the link to the FEIS and the ROD. For more information, contact Sue Jennings, the project team leader, at the Petersburg Forest Service office at 907-772-5864 during regular business hours, Monday to Friday, 8:00 am to 4:30 pm.

As the District Ranger, I am responsible for this decision. Thank you for your continuing interest in the management of the Tongass National Forest.

Sincerely,



JEFFREY DEFREEST
District Ranger



RECORD OF DECISION

Introduction

The Final Ketchikan-Misty Fiords Outfitter and Guide Management Plan Environmental Impact Statements (EIS) proposed and analyzed the effects of four different levels of outfitter and guide use on the Ketchikan-Misty Fiords Ranger District (KMRD – see Figure R-1). The Draft and Final EIS documents also described:

- the types of use that could be allowed,
- the locations, management, and allocations for outfitter and guide permits and opportunities on the Ketchikan-Misty Fiords Ranger District for the next five to ten years,
- adaptive management and how to use adaptive management to potentially increase or decrease allocations or make other adjustments for specific recreation use areas, and
- project design, mitigation measures, and monitoring that could be used to minimize potential impacts to all resources and to create permit stipulations for outfitter and guide special use permits.

This Record of Decision (ROD) documents my decision to implement Alternative B with modifications as the Selected Alternative. This ROD thoroughly describes all of the related actions, stipulations, mitigation and monitoring included in the decision.

Decision

Based on my review of the Ketchikan-Misty Fiords Outfitter and Guide Management Plan Final Environmental Impact Statement (EIS), I have decided to implement Alternative B (the Proposed Action) with modifications as the Selected Alternative. I have also decided to use adaptive management to manage guided use (this includes use by outfitters and guides) to maintain or benefit resources and provide flexibility in management.

Modifications were made to Alternative B to be responsive to public comments and reduce effects to resources. The Selected Alternative includes the following modifications to Alternative B:

- Guided use will not be allowed in 11 Gravina Island and 21 Percy Hotspur Mary Islands Recreation Use Areas to be responsive to subsistence, heritage, tribal, and wildlife concerns. The allocation in the 03 South Misty Use Area is reduced to 699 service days (SDs) (10 percent of visitor capacity allocated to outfitters and guides) and requires consultation with Forest Service wildlife personnel before allowing use on the western shore to resolve wildlife concerns.
- The allocation in the 08 Burroughs Unuk Use Area is reduced to 98 SDs (5 percent of visitor capacity allocated) and any new use will consider concerns related to effects of motorized use of the river corridor on subsistence. This change responds to tribal and subsistence concerns, along with cumulative effects in the area from and to private property owners.

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- The allocation in the 17 George Carroll Thorne Use Area is reduced to 2,841 SDs (50 percent of visitor capacity allocated) due to its popularity with the unguided public, subsistence bear hunting competition, the limited amount of current outfitter and guide use, as well as the limited monitoring data available at this time. The allocation still allows for growth. This change responds to subsistence concerns.
- The allocation in the 25 South Revilla NA Use Area is reduced to 1,420 SDs (50 percent of visitor capacity allocated) due to its popularity with the unguided public, current subsistence use, current limited outfitter and guide use as well as limited monitoring data; the allocation still allows for growth.

Description of the Selected Alternative

Including these modifications, the Selected Alternative will allocate 50,671 service days annually for outfitter and guide use on the Ketchikan-Misty Fiords Ranger District (KMRD). The Selected Alternative allocates 5,049 service days in the spring, 41,234 service days in the summer, and 4,388 service days in the fall for outfitter and guide use (see Tables R-1 through R-3, and Figures R-2 and R-3).

This decision permits the following guided uses based on the 2008 Determination of Need for Commercial Uses on the KMRD (Appendix A of the DEIS):

- brown bear, black bear, and mountain goat hunting,
- floatplane landing tours,
- freshwater fishing,
- remote setting nature tours (e.g. hiking, beach activities, sightseeing, wildlife viewing),
- wildlife viewing at developed sites,
- camping,
- road-based nature tours, and
- institutional use (e.g. youth and education groups).

The 2008 Determination of Need for Commercial Uses on the KMRD demonstrated the need for these commercially guided opportunities on the wilderness and non-wilderness portions of KMRD. Only these guided uses are permitted through this decision. Other types of guided uses will have to be considered on a case-by-case basis with a separate NEPA analysis.

My decision includes adopting the four recreation opportunity zones and associated indicators and standards as shown in Table R1-2 in Appendix 1; these management zones, indicators, and standards will be used to monitor social conditions across the 28 recreation use areas. The decision also includes implementing adaptive management of outfitter and guide use (see Appendix 1 of this ROD for a complete description). Adaptive management could be used to increase the guided allocation, decrease the allocation, or maintain allocation with adjustments to outfitter and guide management. In the future, if a recreation use area nears or exceeds the monitoring indicators and standards (Appendix 1), or if unforeseen and unknown or substantial resource impacts occur as a result of implementing the Selected Alternative, KMRD will use adaptive management and take administrative steps

to address areas of concern. The steps that cause the least impact to recreational visitors will be implemented first if there were no immediate threat to resources or facilities.

KMRD will also consider increasing allocations through adaptive management. If a recreation use area nears the allocation and an outfitter or guide requests additional days, the District Ranger may grant them based on a review by resource specialists and by following the criteria listed in Appendix 1 of this ROD. However, this adaptive management decision will:

- allocate no more than 74,005 total service days annually to guided use;
- keep allocations at zero in 04 Duke Island, 11 Gravina Island, 21 Percy Hotspur Mary Islands and 28 Naha Bay – adaptive management will not be applied in these recreation use areas; and
- allow no recreation use area to exceed the highest allocation analyzed in the EIS. The highest annual allocation per use area could be 75 percent in the five recreation use areas where a 75 percent allocation was considered (06 Misty Core Lakes, 17 George Carroll Thorne, 23 Betton Island, 25 South Revilla NA, and 27 Margaret Bay) and up to 50 percent of the visitor capacity in the remaining 19 recreation use areas.

When there is competitive interest in a limited number of service days, the Forest Service may issue a prospectus to determine the most qualified applicants to provide services for the allowable allocation amounts. In other words, if demand for service days exceeds the allocation amount available (supply), a competitive process may be necessary to determine which guides will be authorized for that recreation use area or activity. This adaptive management process will allow for changes in management of guided use without further NEPA analysis, unless KMRD proposes use outside of what is decided here.

My decision also includes implementing the Design Elements, Mitigation Measures, and Monitoring described in the Ketchikan-Misty Fiords Outfitter and Guide Management Plan Draft EIS and Final EIS; they are included in Appendix 1 of this decision.

Consultation with the National Marine Fisheries Service (NMFS) led to additional clarification on required education and management of outfitters and guides related to whales and marine mammals (see Appendix 1).

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Table R-1: Selected Alternative – KMRD Outfitter and Guide Allocations in Service Days (SD) by Season

Recreation Use Area	Spring Season			Summer Season			Fall Season		
	Visitor Capacity Estimate	Guided Use Allocation		Visitor Capacity Estimate	Guided Use Allocation		Visitor Capacity Estimate	Guided Use Allocation	
	# SDs	%	# SDs	# SDs	%	# SDs	# SDs	%	# SDs
01 West Misty	299	15	45	1,807	15	271	260	15	39
02 Northeast Misty	938	15	141	5,671	15	851	816	15	122
03 South Misty	883	10	88	5,338	10	534	768	10	77
04 Duke Island	359	0	0	2,168	0	0	312	0	0
05 South Misty Lakes	262	15	39	1,585	15	238	228	15	34
06 Misty Core Lakes	1,615	20	323	9,758	75	7,318	1,404	20	281
07 Walker Chickamin	221	15	33	1,334	15	200	192	15	29
08 Burroughs Unuk	248	5	12	1,501	5	75	216	5	11
09 Alava Princess Manzanita	449	20	90	2,711	20	542	390	20	78
10 Rudyerd Winstanley	497	10	50	3,002	10	300	432	10	43
11 Gravina Island	538	0	0	3,253	0	0	468	0	0
12 Bell Island	1,159	20	232	7,006	20	1,401	1,008	20	202
13 East Cleveland	628	20	126	3,795	20	759	546	20	109
14 West Cleveland	359	30	108	2,168	30	651	312	30	94
15 Wilson / Bakewell	255	20	51	1,543	20	309	222	20	44
16 Ketchikan Core SPNW	179	30	54	1,084	30	325	156	30	47
17 George Carroll Thorne	718	50	360	4,337	50	2,169	624	50	312
18 Central Revilla SPNW	635	30	190	3,836	30	1,151	552	30	166
19 North Revilla	538	30	161	3,253	30	976	468	30	140
20 Hyder SPNW	269	30	81	1,626	30	488	234	30	70
21 Percy Hotspur Mary Islands	269	0	0	1,626	0	0	234	0	0
22 Hyder NA	179	50	90	1,084	50	542	156	50	78
23 Betton Island	1,932	40	773	11,676	75	8,757	1,680	40	672
24 Ketchikan Core NA	3,588	40	1,435	21,684	40	8,674	3,120	40	1,248
25 South Revilla NA	359	50	180	2,168	50	1,084	312	50	156
26 Central Revilla NA	359	40	144	2,168	40	867	312	40	125
27 Margaret Bay	607	40	243	3,670	75	2,752	528	40	211
28 Naha Bay	359	0	0	2,168	0	0	312	0	0
Total	18,701		5,049	113,020		41,234	16,262		4,388
Guided Use Allocation for All Seasons and All Recreation Use Areas TOTAL = 50,671 Service Days**									

* Percent is the portion of the Visitor Capacity Estimate allocated to guided use.

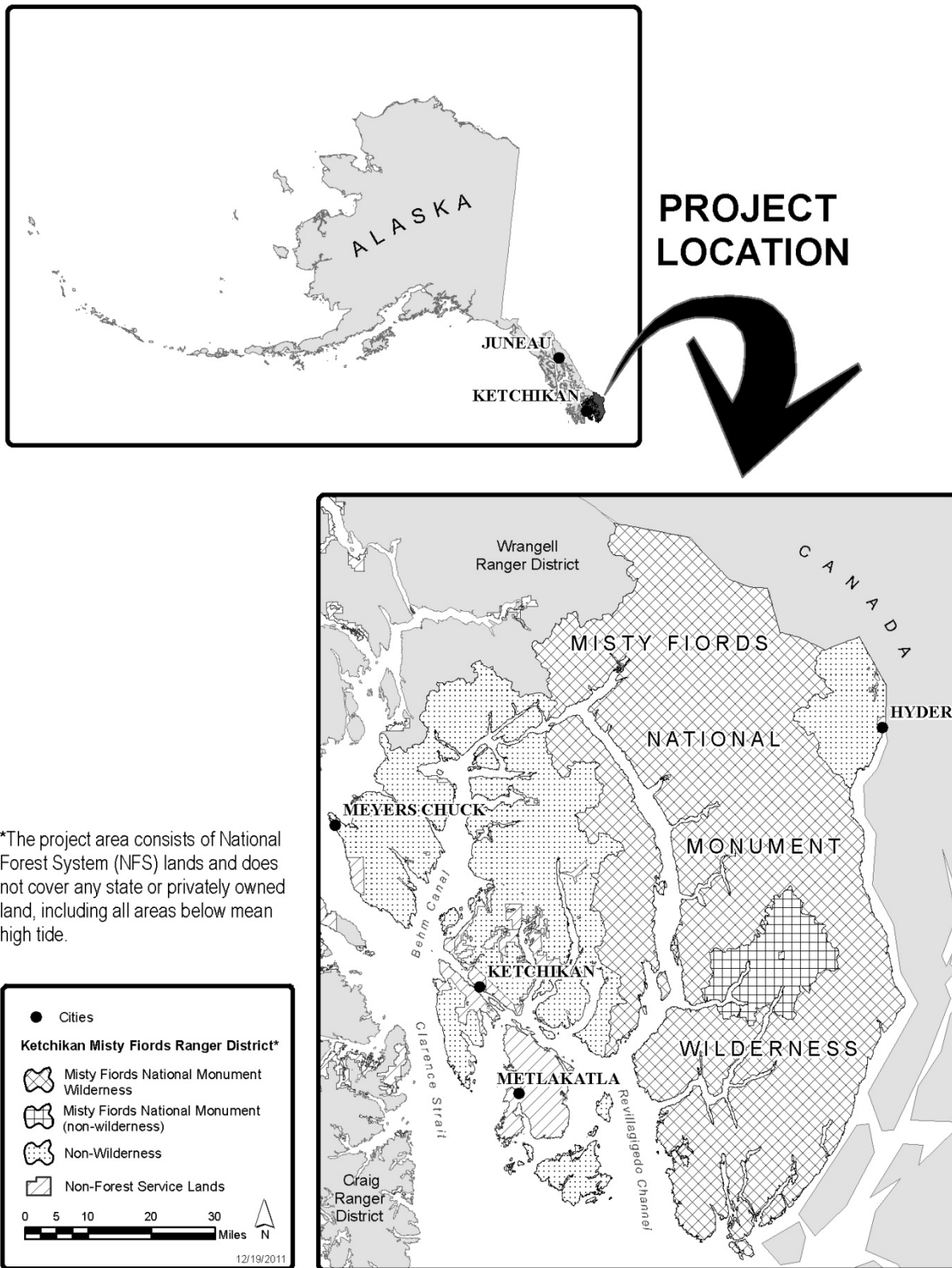
** Numbers were rounded to whole numbers, since we do not allocate parts of a service day, and then totaled.

Table R-2: Comparison of KMRD Outfitter and Guide Allocations in Annual Allocated Service Days (SD) by Alternative including the Selected Alternative

Recreation Use Area	Service Days Authorized (in 2009)	Carrying Capacity in Service Days	Annual Service Days Allocated				Selected Alternative
			Alt. A (2005-2009 Highest Use)	Alt. B	Alt. C	Alt. D	
01 West Misty	77	2,366	96	355	1,184	355	355
02 Northeast Misty	170	7,425	211	1,114	3,713	371	1,114
03 South Misty	229	6,989	220	1,048	3,495	699	699
04 Duke Island	0	2,839	22	0	1,420	0	0
05 South Misty Lakes	34	2,075	100	311	1,038	208	311
06 Misty Core Lakes	11,268	12,777	9,539	7,922	6,389	1,917	7,922
07 Walker Chickamin	60	1,747	37	262	873	174	262
08 Burroughs Unuk	45	1,965	11	294	983	98	98
09 Alava Princess Manzanita	45	3,550	29	710	1,776	533	710
10 Rudyerd Winstanley	247	3,931	155	393	1,966	197	393
11 Gravina Island	0	4,259	0	853	2,130	0	0
12 Bell Island	370	9,173	275	1,835	4,587	918	1,835
13 East Cleveland	93	4,969	230	994	2,485	248	994
14 West Cleveland	100	2,839	13	853	1,420	426	853
15 Wilson / Bakewell	183	2,020	54	404	1,010	302	404
16 Ketchikan Core SPNW	0	1,419	12	426	710	142	426
17 George Carroll Thorne	1599	5,679	813	3,655	2,841	2,571	2,841
18 Central Revilla SPNW	32	5,023	19	1,507	2,512	1,507	1,507
19 North Revilla	65	4,259	37	1,277	2,130	1,277	1,277
20 Hyder SPNW	20	2,129	4	639	1,065	639	639
21 Percy Hotspur Mary Islands	0	2,129	0	639	1,065	0	0
22 Hyder NA	5	1,419	27	710	710	710	710
23 Betton Island	8315	15,288	8,431	10,202	7,644	9,841	10,202
24 Ketchikan Core NA	2189	28,392	1,572	11,357	14,196	7,098	11,357
25 South Revilla NA	20	2,839	2	1,895	1,420	1,252	1,420
26 Central Revilla NA	28	2,839	0	1,136	1,420	751	1,136
27 Margaret Bay	2574	4,805	2,322	3,206	2,403	2,670	3,206
28 Naha Bay	0	2,839	14	0	1,420	0	0
Total	27,768	147,983	24,245	53,997	74,005	34,904	50,671

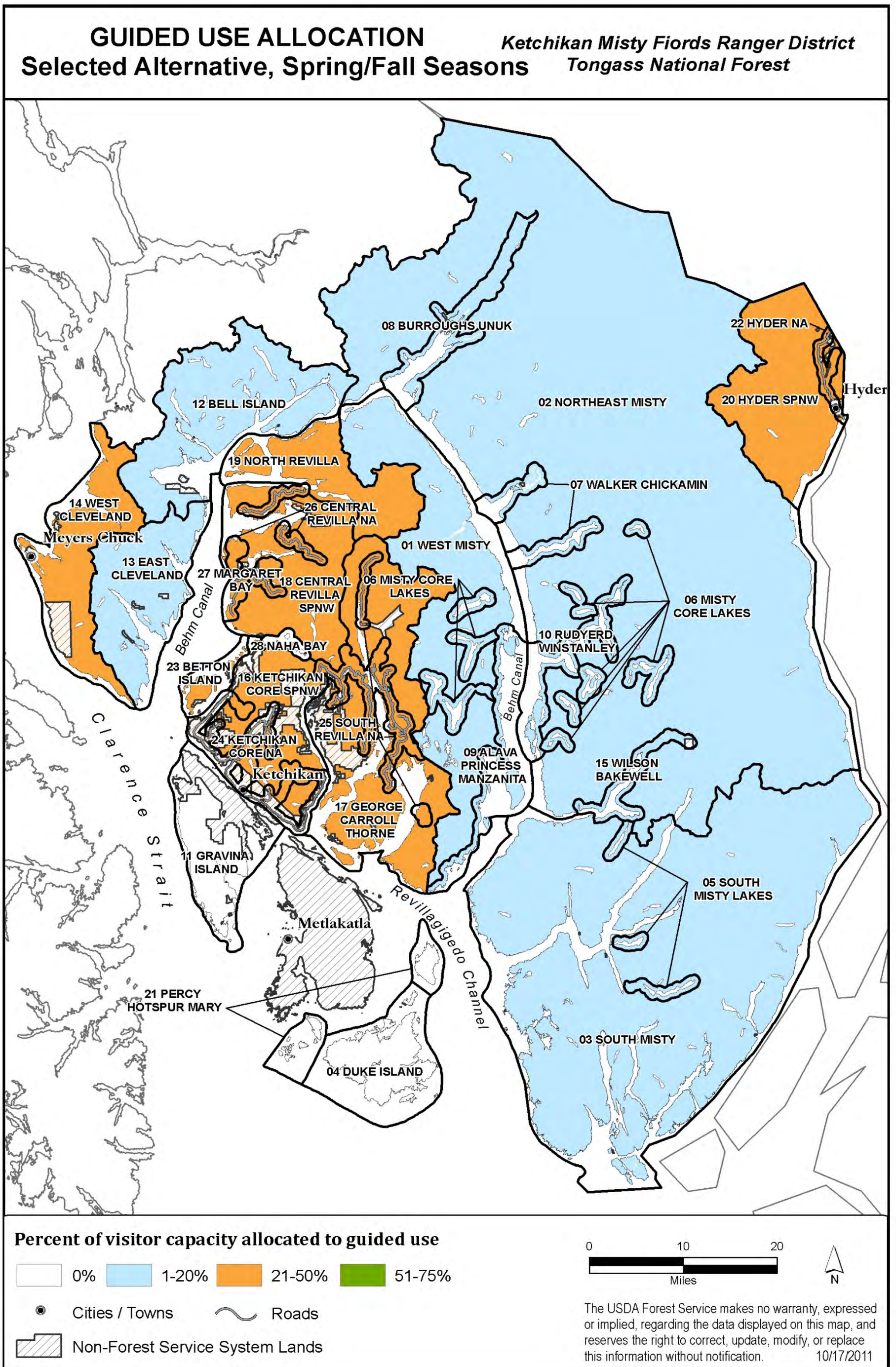
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Figure R-1) Ketchikan-Misty Fiords Ranger District (KMRD) Vicinity Map



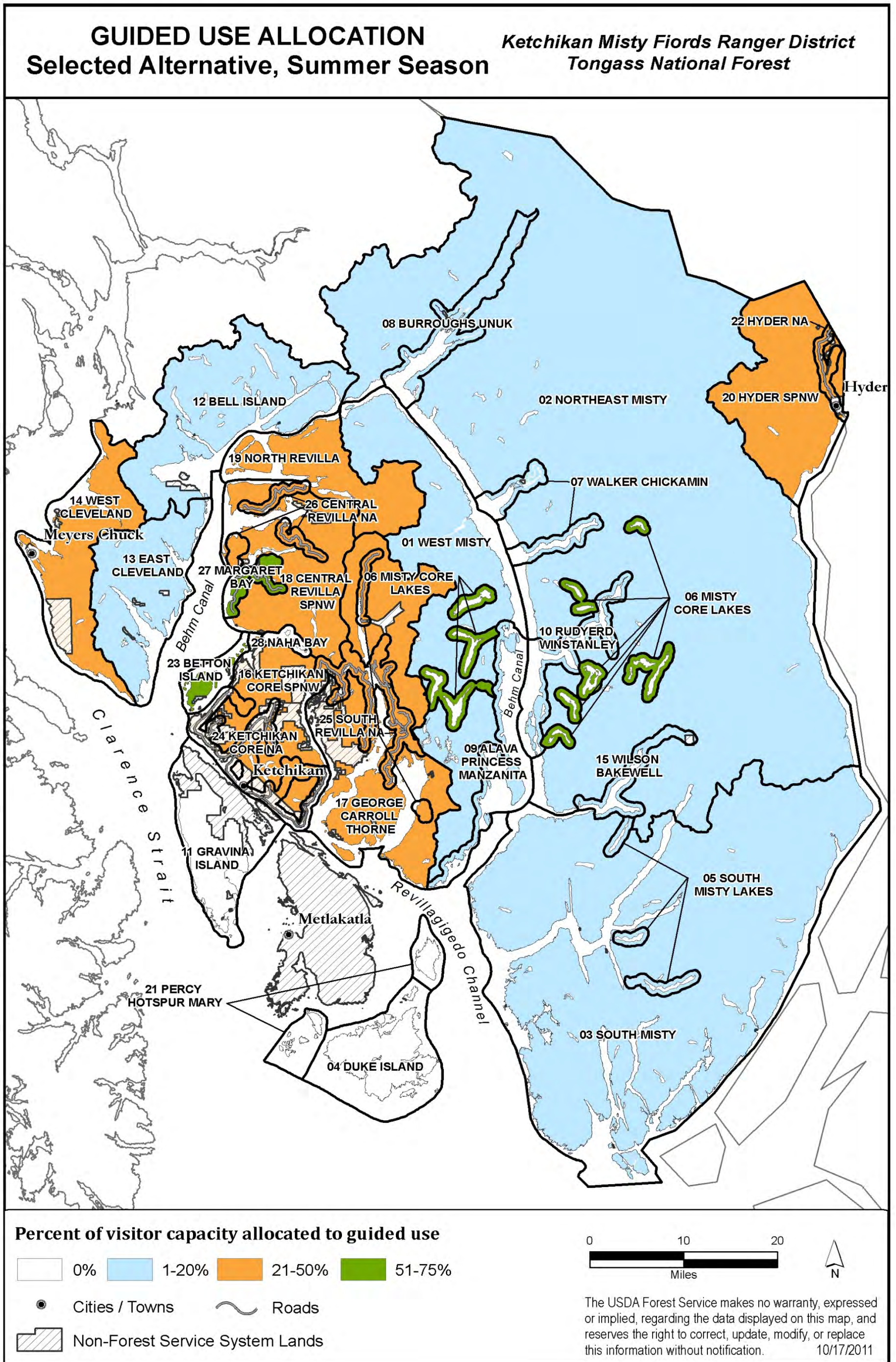
*The project area consists of National Forest System (NFS) lands and does not cover any state or privately owned land, including all areas below mean high tide.

Figure R-2) Selected Alternative, Spring and Fall Outfitter and Guide Allocations



Back of Figure R-2

Figure R-3) Selected Alternative, Summer Outfitter and Guide Allocations



Back of Figure R-3

Background

The purpose of this project is to:

- Determine the amount of outfitter and guide use to allocate for each of the 28 recreation use areas on the Ketchikan-Misty Fiords Ranger District (KMRD),
- Satisfy Forest Service direction for issuance of long-term, priority use permits,
- Provide opportunities for guided use while minimizing resource impacts and conflicts between guided and unguided visitors,
- Improve the Forest Service's ability to process permits in a timely manner,
- Provide standards and indicators for monitoring social conditions across KMRD,
- Develop an adaptive management strategy for adjusting guided use allocations based on monitoring information collected during the life of this plan, and
- Address cumulative impacts of outfitter and guide use on forest resources, including wilderness character.

A District-wide outfitter and guide plan is needed because the current permitting process:

- Does not satisfy Forest Service direction for issuing long-term priority use permits [Forest Service Handbook {FSH} 2709.14 chapter 53.1f],
- Does not provide the District Ranger with a District-wide strategy for reducing conflicts between guided and unguided visitors and ensuring a range of recreational opportunities are offered across KMRD,
- Does not allow the Forest Service to respond to special use permit applications in a timely manner because, without a comprehensive analysis, each application involves a separate analysis and scoping process consistent with the NEPA, and
- Does not fully address cumulative impacts of outfitter and guide use on forest resources, including wilderness character.

Since there is a demonstrated need for commercial service(s) and these services are deemed appropriate, the Forest Service may issue Special Use Authorizations (SUAs) to individual(s) or organization(s) (USDA 2008b, p. 4-46) to provide the services.

Decision Rationale

In making my decision, I carefully considered the issues and concerns raised prior to and during scoping, in the comments on the DEIS, and in discussions with the interdisciplinary team (IDT) and the competing interests and values of the public. I weighed and balanced all viewpoints and incorporated them where feasible and consistent with the Purpose and Need of the project.

I evaluated the trade-off between resource protection, social values, and economics. The Selected Alternative provides a beneficial mix of recreation opportunities for the public,

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within a framework of existing laws, regulations, policies, public needs and desires, and the capabilities of the land, while meeting the stated Purpose and Need for this project.

My decision to implement the Selected Alternative conforms with the 2008 Tongass Land and Resource Management Plan (Forest Plan), Forest Service Handbook, Wilderness Act, and National Forest management direction. I considered the project's Purpose and Need and the issues when reaching my decision, as well as other resource impacts and concerns:

- I considered the Forest Plan Recreation and Tourism Standards and Guidelines, including the direction on page 4-46 which states "Generally, allocate no more than one-half the appropriate capacity of the LUD to outfitter/guide operations. For specific locations, consider different allocations based on historical use, changing demand, spatial zoning, or temporal zoning." (USDA Forest Service 2008b).

In the Selected Alternative, outfitters and guides were generally allocated one-half or less of the recreation visitor capacity as recommended by the Forest Plan direction. However, in three areas, 06 Misty Core Lakes, 23 Betton Island, and 27 Margaret Bay, outfitters and guides were allocated 75 percent of the recreation visitor capacity during the summer season (see Table R-1). In these specific locations, I decided that the higher allocation was appropriate because these areas have had recent or historical high use by outfitters and guides and these use areas contain special situations that support a higher allocation.

- i) In 06 Misty Core Lakes, access is limited by rough terrain and distance from population centers. Because of the difficult access, few unguided visitors use this area. In this area, nearly all visitors arrive by floatplane and nearly all are guided visitors. By concentrating guided use in this area, we continue to provide access to the public and other areas in the wilderness are able to maintain opportunities for solitude.
 - ii) In the 23 Betton Island Use Area, guides have been taking large tour groups there for several years. This area is easily accessed from town, which makes the tours easy to complete several times per day while cruise ships are in port. This 75 percent allocation was proposed by the public in the LAC process to promote opportunities for guided income in areas close to Ketchikan. Additionally, concentrating use in one area leaves other areas open for local visitors. Guided use will remain on Betton Island and not be authorized on the smaller islands within the Use Area, allowing unguided visitors to use a highly-valued local area close to town without competition from guided visitors.
 - iii) At 27 Margaret Bay, a bear viewing site was developed in 1998. This site was hardened to provide an easily accessible wildlife viewing site with limited impact on other resources such as plants, soils, and heritage. My decision does include the stipulation that guided wildlife viewing will be limited to the viewing platform and upper bridge on the #8000000 Road. This restriction leaves the #8040000 road, including the lower bridge area as an area of refuge where bears can feed without human interaction. This restriction addresses wildlife concerns as stated in the wildlife resource report.
- My decision is responsive to the need to meet current Forest Service direction for issuing long-term priority use permits by determining the allocation of use between

outfitted and guided and non-outfitted and guided visitors (FSH 2709.14 chapter 53.1f(3)). It also allocates service days based on a resource capacity analysis demonstrating that capacity exists (FSH 2709.14 chapter 53.1f(2), and Appendix C of the DEIS).

- My decision responds to the need for a District-wide strategy to reduce conflicts between guided and unguided visitors and ensure a range of recreational opportunities are offered. I based my decision on the Proposed Action (Alternative B) that was developed through ten public meetings with over 100 combined participants. This proposal considered guided and unguided recreational opportunities. It attempted to minimize the potential for visitor conflicts, maintain quality recreation experiences, and respond to the many concerns brought forward prior to the EIS. I modified the proposal to address guided and unguided visitors concerns including their concerns about particular areas at a District-wide scale. My decision provides a variety of guided uses similar to those occurring in the area generally at levels higher than recent actual use, and in places and ways that are responsive to public input.

In addition, the adaptive management strategy identified as part of this decision will help us be responsive to interests and concerns of all visitors.

- My decision considers the need to process special use permit applications in a timely manner. It provides a comprehensive analysis that in many situations reduces the need for further review by resource specialists. I will be able to authorize outfitter and guide use based on screening criteria, allocations, locations, permit stipulations, and mitigation measures displayed in this decision. For guided activities covered by this decision, no further NEPA analysis or scoping will be necessary.
- My decision is responsive to the need to address cumulative impacts of outfitter and guide use on forest resources, including wilderness character, by considering and deciding on allocations at a large scale. I recognize that management actions in one location may cause effects in a place far-removed from the original action. For example, a high (75 percent) summer allocation in 06 Misty Core Lakes Use Area was chosen to reduce the potential to disperse flightseeing traffic and cause indirect effects to social conditions (e.g. crowding and additional floatplane landings) on adjacent waterways, particularly in Rudyerd Bay and Walker Cove. This analysis provided information on the effects of our outfitter and guide program on all resources and at a large scale. This decision gave me the opportunity to consider and determine the trade-offs on all resources at a large scale.

My decision to implement the Selected Alternative considered the issues and concerns that arose through the EIS process.

- My decision responds to concerns about providing for industry stability and growth. Service days allocated to outfitters and guides on KMRD increase to 50,671 service days annually (spring, summer and fall seasons for the entire district) from 24,245 SDs in Alternative A (Table R-1); this allows for a 109 percent increase in growth. In areas of concern to outfitters and guides, Alternative B allocates 12,239 service days per summer season—a slight decrease (1 percent) from current highest use based on the reduction in 06 Misty Core Lakes. In this wilderness use area, there will be a decrease to 7,318 summer service days per year from the highest use of 9,258 SDs

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(Table R-3). This level of use is the highest percentage allocated on KMRD (75 percent of the visitor capacity), but still allows for improved opportunities for solitude in the 06 Misty Core Lakes Use Area through less use by outfitters and guides.

- My decision responds to concerns about noise affecting wilderness character in and around Misty Fiords National Monument Wilderness by allocating less outfitter and guide use in 06 Misty Core Lakes Use Area. Most outfitter and guide use in the 06 Misty Core Lakes Use Area is by floatplanes. The Selected Alternative reduces actual outfitter and guide use from a high of 9,539 service days in one year to 7,922 service days allocated annually to outfitters and guides (Table R-2). This reduction in use (and subsequent floatplane landings) improves opportunities for solitude in the 06 Misty Core Lakes Use Area. However, the Selected Alternative also has a minor negative effect on opportunities for solitude in the 01 West Misty, 02 Northeast Misty, and 05 South Misty Use Areas, because it is expected to displace floatplane traffic to these areas as well to some areas outside National Forest System lands.
- My decision considers and responds to concerns about crowding, noise, and disturbance, particularly in locations popular with unguided users. Minor impacts are expected from implementation of the Selected Alternative to unguided visitors' experiences in areas identified as highly valued local areas. There may be an increase in outfitter and guide use in areas popular with unguided users during the summer season in areas identified by unguided users as locations of interest or concern (Table R-1). However, the Selected Alternative continues the "closure" of the 28 Naha Bay Use Area so that this popular area will continue to have no use by outfitters or guides. It keeps 11 Gravina Island Use Area at zero allocation for outfitters and guides. The Selected Alternative also includes modifications that reduced outfitter and guide allocations from those in the Proposed Action in three of the ten areas of interest to unguided users (08 Burroughs Unuk, 11 Gravina Island, and 17 George Carroll Thorne). Design criteria and mitigation measures will ensure that crowding and impacts from outfitter and guide use are minimized in popular locations and attractions within these use areas.
- My decision responds to concerns about affecting historic properties, sacred sites and traditional cultural properties. The Selected Alternative does not allow guided use in 04 Duke and 21 Percy Hotspur Mary Use Areas, thereby avoiding effects to historic properties in these areas. No guided use in 04 Duke and 21 Percy Hotspur Mary Use Areas also responds to concerns about cultural and traditional uses.
- My decision responds to concerns about effects to subsistence uses, and cultural and traditional uses by reducing allocations in many of the areas where concerns for these resources were brought forward.
- Potential effects to wildlife may occur when disturbance from outfitter and guide activities overlap with crucial life phases; effects to wildlife, particularly to shorebirds like the Sensitive black oystercatcher, were substantially reduced by the Selected Alternative's modifications (ex. 21 Percy Hotspur Mary, 03 South Misty), which reduce the potential outfitter and guide use in the oystercatcher's limited and sensitive nesting areas. The Selected Alternative has less risk to wildlife because of the moderate allocation and inclusion of design elements.

- The Selected Alternative will not significantly affect abundance or distribution of any subsistence resource, nor change access to or competition for those resources. Established modes of access (by foot, boat, vehicle, and ATV) will remain available under the Selected Alternative because this project does not close roads, trails, or eliminate docks or buoys. Additionally, in five of the six use areas where modifications were made to the Selected Alternative, the allocation to outfitters and guides was reduced or eliminated partially or wholly to reduce impacts on subsistence resources and on those who gather subsistence resources.
- I chose to include adaptive management to provide flexibility in the administration of outfitter and guide permits and identify criteria for responding to unforeseen circumstances

There is some level of uncertainty in describing and analyzing recreational use. Due to conditions varying from weather to wildlife sightings to the state of financial markets, the location, type, and amount of recreational use in any area changes irregularly. Because recreational use is a combination of guided and unguided use, it can be difficult to track overall use. Additionally, no studies in Southeast Alaska are available to equate recreational use levels to levels of effects on resources. While monitoring and other studies have been used here to determine and estimate the effect of various levels of recreation use, there remains uncertainty about the effect that various levels of use will have on biological and socioeconomic conditions.

Adaptive management provides a mechanism through which the Forest Service can make incremental adjustments to outfitter and guide management over time, as information is gained about how area resources are reacting to current management.

IDT members recognized that higher allocations will increase the risk or the potential for negative effects from overuse. However, because adaptive management measures will be used to adjust outfitter and guide management as needed, adaptive management is expected to maintain or improve resource conditions. Thus, while guided use may increase, negative and positive effects are not expected to go beyond what was analyzed in the EIS.

All practical means to avoid or minimize environmental harm have been included in the Selected Alternative (see Appendix 1 of this ROD).

The Forest Service is not required to obtain permits or licenses to implement this project. However, outfitter and guide permit holders are responsible for obtaining necessary permits and licenses from federal and state agencies prior to commencing outfitting and guiding. Prior to guiding on NFS lands, the federal government may require verification of current business or operating licenses such as Coast Guard license, state of Alaska sport fishing license, etc. Outfitter and guide activities involving the taking of fish or game will be implemented under Alaska Board of Game, Alaska Board of Fisheries, and Federal Subsistence Board regulations.

The Ketchikan-Misty Fjords Outfitter and Guide Management Plan EIS documents the analysis and conclusions upon which this decision is based. The analysis included Biological Evaluations for Forest Service-designated sensitive plants and animals. These Biological Evaluations determined that the Selected Alternative “may adversely impact individuals, but

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is not likely to result in a loss of viability in the Planning Area or a trend toward federal listing” for all sensitive species that are expected to be affected by outfitter or guide use.

Public Involvement

Prior to this NEPA project, KMRD involved the public in a Limits of Acceptable Change (LAC) process to gather information and develop the proposed action. The District held nine public meetings between January 2009 and April 2010.

The NEPA process started when a notice of intent to prepare an EIS was published in the *Federal Register* on September 27, 2010 (Vol. 75, No. 186, pp. 59206-59208).

In addition, the proposed action was listed in the Tongass National Forest Schedule of Proposed Actions and updated periodically during the environmental analysis. People were invited to review and comment on the proposal through:

- Pre-NEPA information sharing with Alaska Native tribes and corporations,
- a scoping letter mailed out to 245 individuals in late September 2010,
- a news article printed in Ketchikan on October 23, 2010, and
- an open house held in Ketchikan on October 26, 2010.

The following issues were identified from scoping comments and were used to determine the scope of the analysis:

Issue 1: Limiting the amount and location of outfitter and guide use may not adequately provide for industry stability and growth.

Issue 2: Outfitter and guide use may cause crowding, noise, and disturbance, particularly in locations popular with unguided users.

Issue 3: Allowing outfitter and guide use in 04 Duke and 21 Percy Hotspur Mary use areas may affect historic properties, sacred sites and traditional cultural properties.

Issue 4: Noise associated with floatplanes and boats in and around Misty Fiords National Monument Wilderness may negatively impact wilderness character.

Issue 5: Outfitter and guide use may negatively affect wildlife, subsistence uses, and cultural and traditional uses.

A full description of issues significant to the proposed action appears in Chapter 1 of the EIS under Issues. Other concerns brought forward by the public that did not cause the development of an alternative are discussed in Chapter 1 of the EIS under Other Issues and Concerns.

A draft environmental impact statement (DEIS) was published for review and comment in June 2011. Availability of the DEIS was announced through a Notice of Availability on July 8, 2011 in the *Federal Register* (Vol. 76, No. 131, p. 40354) and through a legal notice published July 14, 2011 in the *Ketchikan Daily News*, the newspaper of record for this project.

In June, 2011, KMRD sent over 270 DEIS documents or letters providing an internet location for the DEIS to agencies, organizations, businesses, and people listed in Chapter 4 of the EIS.

KMRD held Alaska National Interest Lands Conservation Act (ANILCA) 810 subsistence hearings in Ketchikan on August 12 and August 18, 2011. See Chapter 1 of the EIS for more information on public involvement.

Alternatives Considered

In addition to the Selected Alternative, I considered four other alternatives, which are discussed below. Alternative D is the environmentally preferred alternative because, with the lowest guided use allocation, it has the lowest risk of effects to Tongass National Forest natural resources. However, the implementation of Design Elements, Mitigation Measures, Permit Stipulations, and Adaptive Management is expected to provide ample protection of natural resources in the Selected Alternative.

Alternative A (No Action) – For this analysis, the No Action alternative was the current actual use by outfitters and guides on the KMRD. Under this alternative, outfitter and guide special use permits could have been issued up to the highest actual use, by recreation use area, that occurred between 2005 and 2009. District-wide, that highest actual use level was 24,245 service days per year (calculated by taking the highest use between 2005 and 2009 per use area per season and adding these highest uses together to get a District total for the 182-day combined spring/summer/fall seasons). The highest guided use levels have been 741 service days in the spring, 23,424 service days in the summer, and 80 service days in the fall (Table R-3). Using the current practice, under Alternative A no season of use would have been identified on the permit.

Management of the outfitter and guide special uses program would have continued to allocate outfitter and guide use on a case by case basis. New proposals or requests from existing permit holders to increase use above the highest actual use would have required new environmental analysis. Existing permit stipulations would have continued to be implemented. New design criteria, mitigation measures, and stipulations would not have applied in this alternative. Although Alternative A currently permits fewer service days than Alternative D, the potential for growth to maximum visitor capacity and lack of design criteria, mitigation measures, and stipulations make it a less environmentally preferred alternative.

Alternative B (Proposed Action) – Using the LAC process, KMRD developed the Proposed Action (Alternative B) that considered guided and unguided recreational opportunities, minimized the potential for visitor conflicts, maintained quality recreation experiences, and responded to many issues discussed in Chapter 1 of the EIS under Public Involvement and as described under Alternative Development Process (in Chapter 2 of the EIS). Alternative B authorized outfitter and guide operations through the issuance of special use permits based on the public process and input.

The Proposed Action allocated 53,997 service days annually for outfitter and guide use on the KMRD. The proposed action allocated 5,126 service days in the spring, 44,416 service days in the summer, and 4,455 service days in the fall for outfitter and guide use (Table R-3).

Alternative C – Using the estimated visitor capacity and the general direction provided by the Forest Plan, this alternative allocated half the capacity to outfitters and guides in all recreation use areas in all seasons. This equated to an allocation of 74,005 service days

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annually for outfitter and guide use on the KMRD. Alternative C allocated 9,360 service days in the spring, 56,514 service days in the summer, and 8,131 service days in the fall for outfitter and guide use (Table R-3).

Alternative D – Alternative D allocated 34,904 service days annually for outfitter and guide use on the KMRD. Alternative D allocated 3,341 service days in the spring, 28,655 service days in the summer, and 2,908 service days in the fall for outfitter and guide use (Table R-3).

A more detailed comparison of these alternatives can be found in the EIS in Chapter 2 under Alternative descriptions and Comparison of Alternatives. The effects of the alternatives can be found in Chapter 3 of the EIS and are summarized in Table 2-8 in Chapter 2 of the EIS.

Reasons for Not Selecting Other Alternatives:

Alternative A (No Action) – Alternative A was not selected because it did not meet the Purpose and Need for the project and did not meet Forest Service direction. Alternative A did not provide a way to respond to permit requests in a timely manner and it did not provide a means for reducing conflict between guided and unguided users through a district-wide management strategy. Additionally, Alternative A would not address many of the issues. For example, Alternative A would have a significant effect on opportunities for solitude in the core area of Misty Fiords National Monument Wilderness.

Alternative B (Proposed Action) – Alternative B with modifications is the Selected Alternative. The modifications were made to be responsive to public comments and minimize effects to resources. For example, Alternative B (without the modifications in the Selected Alternative) would have allocated guided use to 21 Percy Hotspur Mary Islands Use Area which may have affected cultural and traditional uses and may have affected black oystercatcher.

Alternative C – Alternative C was not selected because it generally has the highest level of negative impact on resources and unguided users while at the same time not meeting the interests of outfitters and guides in many areas. Desired social conditions and visitor experiences could not be provided to guided or unguided visitors at this level of guided use.

Alternative D – Alternative D was not selected because analysis indicated that additional guided use could be accommodated with minimal negative impacts on visitor experiences and forest resources. Alternative D would have allowed for some growth in the outfitter and guide industry but had the least potential for growth.

Table R-3: Annual Outfitter and Guide Allocation in Service Days by Alternative, Use Area, and Season (for Alternative A, highest use is displayed for comparison)

Recreation Use Area	Spring					Summer					Fall				
	Alt. A	Alt. B	Alt. C	Alt. D	Selected Alternative	Alt. A	Alt. B	Alt. C	Alt. D	Selected Alternative	Alt. A	Alt. B	Alt. C	Alt. D	Selected Alternative
	# SDs*	# SDs	# SDs	# SDs	#SDs	# SDs*	# SDs	# SDs	# SDs	# SDs	#SDs	# SDs*	# SDs	# SDs	# SDs
01 West Misty	2	45	150	45	45	67	271	904	271	271	27	39	130	39	39
02 Northeast Misty	3	141	469	47	141	190	851	2,836	283	851	18	122	408	41	122
03 South Misty	21	132	442	88	88	186	801	2,669	534	534	13	115	384	77	77
04 Duke Island	0	0	180	0	0	22	0	1,084	0	0	0	0	156	0	0
05 South Misty Lakes	0	39	131	26	39	96	238	793	159	238	4	34	114	23	34
06 Misty Core Lakes	275	323	808	242	323	9,258	7,318	4,879	1,464	7,318	6	281	702	211	281
07 Walker Chickamin	1	33	110	22	33	36	200	667	133	200	0	29	96	19	29
08 Burroughs Unuk	1	37	124	12	12	10	225	751	75	75	0	32	108	11	11
09 Alava Princess Manzanita	0	90	225	67	90	29	542	1,356	407	542	0	78	195	59	78
10 Rudyerd Winstanley	8	50	249	25	50	147	300	1,501	150	300	0	43	216	22	43
11 Gravina Island	0	108	269	0	0	0	651	1,627	0	0	0	94	234	0	0
12 Bell Island	51	232	580	116	232	224	1,401	3,503	701	1,401	0	202	504	101	202
13 East Cleveland	9	126	314	31	126	221	759	1,898	190	759	0	109	273	27	109
14 West Cleveland	4	108	180	54	108	9	651	1,084	325	651	0	94	156	47	94
15 Wilson / Bakewell	0	51	128	38	51	54	309	771	231	309	0	44	111	33	44
16 Ketchikan Core SPNW	0	54	90	18	54	6	325	542	108	325	6	47	78	16	47
17 George Carroll Thorne	19	215	360	215	360	792	3,253	2,169	2,169	2,169	2	187	312	187	312
18 Central Revilla SPNW	0	190	318	190	190	18	1,151	1,918	1,151	1,151	1	166	276	166	166
19 North Revilla	2	161	269	161	161	35	976	1,627	976	976	0	140	234	140	140
20 Hyder SPNW	0	81	135	81	81	4	488	813	488	488	0	70	117	70	70
21 Percy Hotspur Mary	0	81	135	0	0	0	488	813	0	0	0	70	117	0	0

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Recreation Use Area	Spring					Summer					Fall					
	Alt. A	Alt. B	Alt. C	Alt. D	Selected Alternative	Alt. A	Alt. B	Alt. C	Alt. D	Selected Alternative	Alt. A	Alt. B	Alt. C	Alt. D	Selected Alternative	
	# SDs*	# SDs	# SDs	# SDs	#SDs	# SDs*	# SDs	# SDs	# SDs	# SDs	#SDs	# SDs*	# SDs	# SDs	# SDs	#SDs
Islands																
22 Hyder NA	0	90	90	90	90	27*	542	542	542	542	0	78	78	78	78	78
23 Betton Island	278	773	966	580	773	8,153	8,757	5,838	8,757	8,757	0	672	840	504	672	672
24 Ketchikan Core NA	67	1,435	1,794	897	1,435	1,502*	8,674	10,842	5,421	8,674	3	1,248	1,560	780	1,248	1,248
25 South Revilla NA	0	144	180	90	180	2	1,626	1,084	1,084	1,084	0	125	156	78	156	156
26 Central Revilla NA	0	144	180	54	144	0	867	1,084	650	867	0	125	156	47	125	125
27 Margaret Bay	0	243	304	152	243	2,322	2,752	1,835	2,386	2,752	0	211	264	132	211	211
28 Naha Bay	0	0	180	0	0	14	0	1,084	0	0	0	0	156	0	0	0
Total Allocated by Season	741*	5,126	9,360	3,341	5,049	23,424	44,416	56,514	28,655	41,234	80	4,455	8,131	2,908	4,388	4,388

*In Alternative 1, highest use numbers are shown here for comparison. See description of Alternative 1 above and in the FEIS. Totals may not appear correct due to rounding.

Findings Required by Other Laws and Regulations

This decision is consistent with the 2008 Tongass National Forest Land and Resource Management Plan and with the laws and regulations of the United States of America.

2008 Tongass Land and Resource Management Plan Amendment

This decision to implement the Selected Alternative is consistent with the 2008 Forest Plan goals and objectives. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines.

ANILCA Section 810, Subsistence Evaluation and Finding

The effects of this project have been evaluated to determine potential effects on subsistence opportunities and resources. ANILCA 810 subsistence hearings were conducted during the comment period for the DEIS. Oral testimony was received from these hearings (see the KMRD Outfitter and Guide project record); comments received were not within the scope of this analysis.

The evaluation indicated that there is no documented or reported subsistence use that will be restricted as a result of this decision. For this reason, the Selected Alternative will not result in a significant possibility of a significant restriction of subsistence use of wildlife, fish, or other foods. This finding completes the Section 810 requirements.

Bald and Golden Eagle Protection Act

This law provides for the protection of the bald eagle and the golden eagle by prohibiting, except under certain specified conditions, the taking, possession and commerce of such birds. Bald eagle habitat will be managed in accordance with 50 CFR 22.26 to maintain habitat to support the long-term nesting, perching, and winter roosting habitat capability.

Regulations (16 USC 668-668d and 50 CFR 22.26) prohibit recreational activities within a minimum of 330 feet from bald eagle nests. Outfitters and guides are required to comply with all federal, state and local laws, regulations and orders.

Clean Air Act

Minimal emissions are anticipated from the implementation of either project alternative; therefore, the State of Alaska ambient air quality standards (18 AAC 50) will not be exceeded.

Clean Water Act

This decision does authorize activities which have the potential to effect water quality, however the implementation of Best Management Practices and Standards and Guidelines will maintain water quality. Additionally this decision does not authorize any ground disturbance such as road building or timber harvest, or use of or discharge of potential pollutants. Implementation of the Selected Alternative will not result in non-point or point sources of pollution; therefore, the project is fully compliant with the Clean Water Act.

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Effects on Prime Farm Land, Range Land, and Forest Land

No prime farm land or range land exists in the project area. Forest land will maintain its productivity.

Endangered Species Act of 1973 (as amended)

A biological assessment was prepared and sent to the National Marine Fisheries Service (NMFS) and the US Fish and Wildlife Service (USFWS) as part of the Section 7 consultation under the Endangered Species Act. NMFS concurred with the findings of “may affect, not likely to adversely affect” on January 12, 2012. USFWS concurred on November 25, 2011. The biological assessment/biological evaluation is available in the project record.

Re-initiation of consultation with NMFS is required where Federal agency involvement or control over the action has been retained (or is authorized by law) and if:

- 1) take of a listed species occurs,
- 2) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered,
- 3) the action is subsequently modified in a manner that caused an effect to the listed species or critical habitat not considered, or
- 4) a new species is listed or critical habitat designated that may be affected by the action.

Federal Cave Resource Protection Act

No known significant caves in the project area will be directly or indirectly affected by project activities. Forest Plan Karst and Caves Standards and Guidelines are applied to areas known or suspected to contain karst resources.

Magnuson-Stevens Fishery Conservation Act of 1996

Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act states that all federal agencies must consult the National Marine Fisheries Service (NMFS) for actions or proposed actions that may adversely affect Essential Fish Habitat (EFH). The Act promotes the protection of EFH through review, assessment, and mitigation of activities that may adversely affect these habitats.

The potential effects of the project on EFH have been evaluated (Hydrology and Fish resources, Chapter 3, DEIS and FEIS). The descriptions and the analysis lead me to a determination that the Ketchikan-Misty Fiords Outfitter and Guide Management Plan project may adversely affect EFH; however, this risk is minimized through the implementation of 2008 Forest Plan Standards and Guidelines, Best Management Practices, and outfitter and guide permit stipulations, as well as implementation of adaptive management.

Several factors were considered in evaluating the potential effects on EFH:

- The only ground-disturbance associated with the activities identified in the analysis would be possible trampling from feet, the footprint of tents, driving on open roads or designated OHV trails, and human waste disposal.

- Any road use associated with access to a permit holder's authorized locations will be in accordance with the most recent Motor Vehicle Use Map in effect at the time.
- Consumptive uses of water (i.e., diversions, dams, etc.) are not allowed. Limited collection of drinking water for individual or group use is acceptable.
- BMPs will be implemented to protect water quality and aquatic habitat for all freshwater streams. See the recreation use area cards for specific applications of BMPs.

In accordance with the agreement of June 28, 2007 between the Forest Service and the NMFS for consultation on EFH, the Forest Service sent a copy of the Ketchikan-Misty Fiords Outfitter and Guide Management Plan DEIS to NMFS, which formally started the consultation process.

NMFS provided no comments on the findings of the assessment. Thus, no Forest Service response was necessary. The EFH Assessment is included in Chapter 3 of the FEIS.

Based on our providing a review to NMFS, I find that the Ketchikan-Misty Fiords Outfitter and Guide Management Plan may adversely affect EFH. However, by implementing Forest Plan Standards and Guidelines, Best Management Practices, and Outfitter and Guide permit stipulations will eliminate nearly all effects on EFH. Additional impacts to EFH may occur only from unforeseen events.

Marine Mammal Protection Act of 1972

Actions authorized in the Selected Alternative will not have an adverse effect on marine mammals. Outfitters and guide are required to operate within the parameters established in regulations governing the approach to humpback whales in Alaska (FR May 31, 2001, Vol. 66, No. 105, pp. 29505-29509 and 50 CFR 224.103) and the viewing code of conduct for marine mammals (<http://www.fakr.noaa.gov/protectedresources/mmv/guide.htm>). NMFS administers the Marine Mammal Protection Act (MMPA), which prohibits the "take" of all marine mammal species in U.S. waters. "Take" is defined as "to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal." Harassment is defined in the MMPA as "any act of pursuit, torment, or annoyance which has the potential to injure a marine mammal or marine mammal stock in the wild; or has the potential to disturb a marine mammal stock in the wild by causing disruption of behavior patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering." Approaching within 100 yards, or otherwise disturbing or displacing any marine mammal is prohibited.

National Forest Management Act

The Selected Alternative fully complies with the Forest 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. All required interagency review and coordination has been accomplished; new or revised measures resulting from this review have been incorporated.

The Forest Plan complies with all resource integration and management requirements of 36 CFR 219 (219.14 through 219.27). Application of Forest Plan direction for the Ketchikan-Misty Fiords Outfitter and Guide Management Plan ensures compliance at the project level.

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National Historic Preservation Act of 1966

The Forest Service program for compliance with the National Historic Preservation Act (NHPA) includes locating, inventorying and evaluating the National Register of Historic Places eligibility of historic and archeological sites that may be directly or indirectly affected by scheduled activities. Regulations (36 CFR 800) implementing Section 106 of the NHPA require Federal agencies to consider the effects of their actions on sites that are determined eligible for inclusion in or are listed in the National Register of Historic Places (termed "historic properties"). The Alaska Region of the USDA Forest Service, the Alaska State Historic Preservation Officer, and the Advisory Council on Historic Preservation have established streamlined Section 106 review guidelines and stipulations in a Programmatic Agreement.

Outfitter and guide use is not expected to result in the discovery or disturbance of human remains. However, if human remains are discovered, they will fall under the inadvertent discovery provisions of the Native American Graves Protection and Repatriation Act (NAGPRA).

Outfitter and guide use is also not expected to restrict Alaska Native access to traditional religious or spiritual sites that are protected under the American Indian Religious Freedom Act (AIRFA) and Forest Service standards and guidelines for the treatment of sacred sites (USDA 2008, p. 4-19).

A Forest Service archeologist has reviewed this project and made a determination of No Historic Properties Affected in the area of potential effect for the proposed project. Obligations using modified procedures of the 36 CFR 800 review process, as defined in the Programmatic Agreement, have been met.

Wild and Scenic Rivers Act

Six river systems within the project area were recommended by the Forest Plan for inclusion in the National Wild and Scenic River System. Congressional action to designate these rivers has not occurred. Forest Plan goals for these LUDs include maintaining the free-flowing character and outstandingly remarkable values of the river segments. The Selected Alternative does not propose to change the free-flowing character or outstandingly remarkable values associated with any of the rivers and therefore will not affect the eligibility of any river segments for inclusion in the Wild and Scenic River System. Recreational use of such river segments is allowed, and the Selected Alternative meets the Forest Plan direction for management of these areas with respect to recreation and tourism levels.

Protection and Enhancement of the Cultural Environment (Executive Order 11593)

Executive Order 11593 directs federal agencies to provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. The work accomplished in accordance with Section 106 of the National Historic Preservation Act for the Ketchikan-Misty Fiords Outfitter and Guide Management Plan meets the intent of this Executive Order.

Floodplain Management (Executive Order 11988)

No outfitter and guide permits will be issued that allow permanent development in floodplains within the Ketchikan-Misty Fiords Ranger District. It is expected that none of the outfitter and

guide activities will affect velocity or location of flows or width and depth of water. Therefore, no measurable short or long-term effects for floodplains are anticipated under any alternative.

Protection of Wetlands (Executive Order 11990)

No outfitter or guide activities that result in long-term impacts (filling, dredging, etc.) to wetlands will be permitted under this document (USDA Forest Service Manual 2527.01-04).

Environmental Justice/Civil Rights (Executive Order 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.

Recreational Fisheries (Executive Order 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 increases recreational fishing opportunities. It is also expected to maintain the quantity, function, sustainable productivity, and distribution of United States aquatic resources.

Indian Sacred Sites (Executive Order 13007)

Executive Order 13007 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. 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 specific, discrete, and delineated location, which has been identified by the tribe. The Selected Alternative protects traditional cultural properties and sacred sites.

Invasive Species (Executive Order 13112)

Federal agencies (in part) are required:

- to evaluate whether the proposed activities will affect the status of invasive species,
- to not carry out activities that promote the introduction or spread of invasive species unless it has determined that the benefits of such action outweigh the potential harm caused by invasive species, to the extent permitted by law and where practicable, and
- to take all feasible and prudent measures to minimize risk of harm in conjunction with the actions.

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The Selected Alternative includes both public education and management measures to reduce the risk of introducing and spreading invasive species.

Consultation and Coordination with Indian Tribal Governments (Executive Order 13175)

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 tribes on proposed actions with tribal implications. The Forest Service met with or contacted local tribes during the planning stages of the project as noted in Chapter 1 of the EIS.

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

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 both of hunting activities and on hunting activities. The Selected Alternative will provide hunting opportunities for the guided and unguided public.

Implementation Process

Implementation of this decision may occur no sooner than 50 days following publication of the legal notice of the decision in the *Ketchikan Daily News*, published in Ketchikan, Alaska.

Outfitter and guide allocations are implemented through special use permits. Special use permits will be issued to authorize the guided activities discussed at the allocation levels provided in this decision.

This project will be implemented in accordance with Forest Service Handbook (FSH) direction for Recreation Special Uses in FSH 2709.14, Chapter 50, Section 53 and in FSH 2709.11 Special Uses Handbook. This direction provides a bridge between project planning and implementation and will ensure execution of the actions, environmental standards, and mitigations approved by this decision, and compliance with other laws. All applicable BMPs will be applied to the Selected Alternative.

Implementation of all activities authorized by this Record of Decision will be monitored to ensure that they are carried out as planned and described in the FEIS and this ROD.

These design elements and mitigation measures will be implemented through outfitter and guide permit conditions, operating plan standards, and administration of the permits.

Appendix 1 of this Record of Decision contain the Selected Alternative's recreation use area cards. These cards are an integral part of this decision because they document the specific resource concerns, design elements, and mitigation measures that will be implemented through outfitter and guide permit conditions and administration of the permits. These cards will be used during the implementation process to assure that all aspects of the project are implemented within applicable standards and guidelines and that resource effects will not be greater than those described in the FEIS.

The implementation record for this project will include:

- Any prospectus' required with the reduction of service days,
- monitoring results, and
- any adaptive management options used to implement the Selected Alternative, and the authorization of proposed changes based on adaptive management.

Administrative Review (Appeal) Opportunities _____

This decision is subject to administrative review (appeal) pursuant to Title 36 Code of Federal Regulations (CFR) Part 215. Individuals or organizations who submitted comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must be in writing, meet the appeal content requirements at 215.14 and be filed with the Appeal Deciding Officer:

Forrest Cole, Forest Supervisor
Tongass National Forest
US Department of Agriculture
648 Mission St.
Ketchikan, AK 99901-6591
Email address: appeals-alaska-tongass@fs.fed.us
Fax (907) 228-6215

The Notice of Appeal, including attachments, must be filed (regular mail, fax, e-mail express delivery or messenger service) with the Appeal Deciding Officer at the correct location within 45 calendar days of the date that the legal notification of this decision is published in the *Ketchikan Daily News*, the official newspaper of record for this project. The publication date in the newspaper of record is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Hand-delivered appeals will be accepted at the Supervisor's Office during normal business hours (8:00 am through 4:30 pm) Monday through Friday, excluding holidays.

Implementation Date _____

Implementation of decisions subject to appeal pursuant to 36 CFR Part 215, may occur on, but not before, five business days from the close of the appeal filing period, if no appeals are received. It is my decision to implement the Selected Alternative effective for the 2013 operating season. This gives outfitters and guides an opportunity to plan and prepare for any changes that may occur through implementation.

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Contact

For additional information concerning this decision, contact:

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Phone: 907-723-0477



JEFFREY DEFREEST
District Ranger

26 Jan 2012

Date

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