



United States Department of Agriculture

Commercial Harvest of Spruce Tips

Draft Decision Notice and Finding of No Significant Impact



Forest Service
Alaska Region

Tongass National Forest
Sitka Ranger District

R10-MB-790b

June 2015

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COVER: PICTURE OF BARANOF ISLAND FROM TOTEM PARK TRAIL.

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Introduction

A request for the commercial harvest of spruce tips from National Forest System Lands (NFS) has been received by the Sitka Ranger District. Since this request is proposed for public lands, the Tongass National Forest will need to authorize and permit this activity. The Forest Service, USDA Department of Agriculture is authorized to permit the commercial harvest of special forest products in accordance to 36 CFR 223.1. The Environmental Assessment (EA) documents the analysis of an action alternative to meet this request.

Draft Decision and Reasons for the Decision

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

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

In this decision, I would:

- Authorize the commercial harvest of 2,000 pounds of spruce tips from NFS lands, with the potential to incrementally increase harvest limits upon annual review, not exceeding 10,000 pounds annually across the Sitka Ranger District.
- Allow the Sitka Ranger District to offer, at its discretion, preferred harvest areas that would not exceed 5 contiguous acres. Preferred harvest areas would not be available for commercial harvest more than once every three years.
- Require an annual review of effects on subsistence and personal use.

Rationale

The commercial gathering of spruce tips will not have any adverse effects on the environment, provided the gathering protocols described below are followed. Monitoring will occur on an annual basis to observe any impacts the gathering may have on spruce trees and subsistence gathering, and to determine if any adjustments are needed.

I determined that the permit provisions listed below are sufficiently conservative to prevent a negative effect to subsistence harvesting for spruce tips. Less than one-sixth of any given tree which is at least 10 feet in height could be harvested from for commercial purposes. The provisions also are in place to ensure that spruce tip harvest won't affect tree growth or survival. In order to collect more tips, the permit holder will need to harvest from a broader area, thus maintaining the minimal impact ensured by the permit provisions. An initial harvest limit of 2,000 pounds would be in effect until it could be shown that there was no effect on subsistence availability or tree survival. Opportunities would be provided to include the Sitka Tribe of Alaska on any post-harvest monitoring activities. The maximum allowable commercial harvest of spruce tips would be set at 10,000 pounds district wide. The cap was chosen based on the ability of the Forest Service to monitor harvesting activity across the district.

Permit holders would be allowed to authorize individuals or groups to harvest for them. Permit holders would be required to provide harvesters with written authorization and a copy of the permit that contains special harvesting provisions, and a list of locations where commercial harvesting is not allowed. The Forest Service would provide maps of the Sitka Ranger District and the greater Sitka vicinity that show where commercial harvest is prohibited. Provisions of the permit will require that each authorized harvester document where harvest occurs and how much is harvested. Permits will be collected by the

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Forest Service from the permit holder at the conclusion of the harvest season for review and monitoring (see Monitoring section below). Harvest provisions of the permit include the following permit provisions:

Permit Provisions

- Permit holders or anyone authorized by the permit holder to harvest spruce tips must have a copy of the permit in their possession at all times when harvesting.
- Harvest is allowed between April 1 and June 30.
- Only trees 10 feet in height or greater may be harvested from.
- Only the lower 1/3 of the tree's branches may be collected from.
- Only half of the limbs within that lower 1/3 may be collected from.
- Only harvesting by hand or with hand operated tools is allowed.
- Group size shall be limited to 20 individuals participating in harvest activities.
- Harvest permits must be returned to the permit holder by June 30.
- Harvest is not allowed within ¼ mile of the Harbor Mountain road in Sitka on National Forest System lands.
- Harvest activities shall not take place within 500 feet of Forest Service recreation rental cabins to maintain privacy for cabin renters.
- Forest Service mooring buoys are not available to individuals harvesting spruce tips or who are engaged in other commercial activities.
- Motorized travel is restricted to open roads and OHV designated trails as shown on the Sitka Ranger District Motor Vehicle Use Map (MVUM).

Land Use Designation (LUDs) areas closed to commercial harvest under this permit would include:

- Wilderness areas such as the South Baranof Wilderness Area and West Chichagof-Yakobi Wilderness Area
- Wild and Scenic River corridors including the Glacial River that flows into South Arm Kelp Bay on northeast Baranof Island, and Kadashan River that flows into Tenakee Inlet
- Special Interest Areas such as the Mount Edgecumbe Geologic Area on Kruzof Island and the Clear River watershed on northeast Baranof Island
- Research Natural Areas such as the Kadashan Research Natural Area
- Developed Recreation Areas, such as the Starrigavin and Harbor Mountain Recreation Areas, the Sawmill Creek Campground, and the Sandy Beach recreation area on Halibut Point Road in Sitka. Commercial spruce tip harvest may be allowed in these areas *only* if it is as a by-product of a planned development or vegetation management project.

Spruce tips must be transported to motorized vehicles by hand, and motorized vehicles used to transport spruce tips are only allowed on drivable roads or trails according to current motor vehicle use restrictions. Mechanized harvesting or any ground disturbing harvesting technique is not allowed. Roads, trails, and ditches must remain free of debris resulting from harvest activities.

Monitoring

Forest Service personnel will collect permits and review the locations and amount of harvest from each location and verify that harvesting followed provisions of the permit. Monitoring will occur at the end of each harvest season as soon as practical after harvesting is completed and near the end of the growing season. Any permitted commercial entity will be responsible for documenting and ensuring that the permitted harvest from Forest Service lands does not exceed the allowed weight for that year and that all provisions of the permit are followed. Positive monitoring results would allow for the incremental increase of harvest limits for that permit holder in following years. If harvest in any area is determined to

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exceed the conditions of the permit that area may be closed to commercial harvest and the permit holder may have reduced harvest limits the following year or that permit may be cancelled.

Public Involvement

The proposal was listed in the Schedule of Proposed Actions on January 1, 2015. The Sitka Ranger District mailed or emailed scoping letters to 79 individuals, businesses, tribal governments, tribal corporations, and local and state governments. Tribal governments and organizations were mailed scoping letters on December 11, 2014. Public and local governments were mailed scoping letters on Jan 2, 2015. Personnel from the Sitka Ranger District also updated the Sitka Tribe of Alaska at their monthly meetings, and met with the Kayaani Commission to describe the project on January 16, 2015.

Two comments were received during the scoping process:

One comment was received by the Sitka Tribe of Alaska expressing concern over the amount of spruce tips that could be authorized for commercial harvest and concern over the commercial use of raw products. They suggested a maximum commercial harvest of 3,000 pounds, with a joint review after the first annual monitoring. Permit provisions were established to mitigate the effect of spruce tip removal on all trees available to subsistence users in the community. Opportunities will be provided for jointly reviewing the monitoring trips and results.

Another comment was received by the general public expressing support for the harvest of renewable resources, and concern about a Sealaska heritage site that may be within the locations allowed under the permit. It was determined that the property was not National Forest System land and therefore commercial harvest would not be authorized for that location.

One comment was received during the 30 day comment period from the Kayaani Commission. The Commission expressed concern that the harvesting cap was chosen based on the amount of spruce tips the requestor wanted, and asked a question on how increment increases of harvest limits will be issued to permit holders. The harvesting cap was chosen based on the monitoring capacity the Sitka Ranger District could do with the personnel they have, and on what the requestor was interested in. Permitted gatherers will start at a total 2,000 lbs. limit, with the potential for future increase up to 10,000 lbs. Also, because the permits are annually renewed, it would be by request when the permit holder indicates they would like more spruce tips. The monitoring results will be used to determine whether or not the impacts are determined significant and whether or not an increase up to 10,000 lbs., can be permitted.

Finding of No Significant Impact

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

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

Context

Commercial spruce tip harvesting activities would be allowed across the Sitka Ranger District on lands not otherwise closed to commercial special forest product harvesting. It is expected that most harvest will occur in young-growth timber stands accessible by roads or trails. This project proposes to harvest a minimal number of spruce tips—from only the bottom third of each tree—on a very limited number of trees. Baranof Island is plentiful with spruce trees, and a gathering of 2,000 to 10,000 lbs., following proper permit regulations and monitoring, will only affect a very small number of trees, within a small area of the overall District. Gathering for the initial 2,000 lb. limit will occur over one year, after which monitoring will determine if higher limits can be allowed, or if lower limits are warranted. Please refer to Monitoring and Permit Provisions for additional stipulations.

Intensity

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

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. (See EA, pages 3-4)
2. **The degree to which the proposed actions affects public safety or health.** Gathering of spruce tips should not result in any impacts to public safety or health. The activities should be taking place in locations near road or trail systems, and motorized vehicles used to transport spruce tips should only be allowed on drivable roads or trails according to current motor vehicle use restrictions. Roads, trails, and ditches should remain free of debris resulting from harvest activities. (See EA, page 2)
3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area because permit provisions will protect or mitigate effects to historical or cultural resources, park lands, wetlands, wild and scenic rivers, or ecologically critical areas. No prime farmland exists within the geographical area. (See EA, pages 2-4)
4. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The gathering of spruce tips is not likely to establish a precedent for future actions with significant effects, and is consistent with the 2008 Forest Plan. Any future similar actions on the Forest would go through additional NEPA analysis, **including authorizing the gathering amount over 10,000 lbs.** Also, preferred harvest areas would not be available for harvest more than once every three years. (See EA, page 1)
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or known risks.** The analysis shows the effects are not uncertain, and do not involve unique or unknown risk. (See EA, pages 3-4)
6. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The areas identified for spruce tip gathering are off the Sitka road system and would not be allowed in any Land Use Designation (LUDs) that prohibit collection. Those prohibited LUDs include Wilderness Areas, Wild, Scenic & Recreational River corridors, Special Interest Areas, Research Natural Areas. Developed recreation areas are excluded from collection as well. The incremental effect of the project, coupled with other past, present or reasonably foreseeable projects indicate that the cumulative impacts are not significant. (See EA, page 2)
7. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** No historic properties will be affected by the collection of spruce tips. (See EA, page 3)

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8. **The degree to which the action may adversely affect an endangered or threatened species or habitat that has been determined to be critical under the Endangered Species Act of 1973.** A biological evaluation was completed for this project, which concluded that there are no direct, indirect or cumulative effects on endangered or threatened species or its habitat. (See EA, pages 3-4)
9. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** Applicable laws and regulations were considered and the action is consistent with the Tongass Land and Resource Management Plan. (See EA, page 5)
10. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial, because there is no known scientific controversy over the impacts of the project.

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

Compliance with Other Laws and Regulations

ANILCA Section 810, Subsistence Evaluation and Finding - The effects of this project have been evaluated to determine potential effects on subsistence opportunities and resources. Spruce tips are known to be important to subsistence and personal uses and the Forest Service recognizes that those uses must be met before commercial harvest can occur. Based on permit requirements for this project the availability of spruce tips for subsistence or personal use will not be affected.

National Historic Preservation Act of 1966 - The Forest Service program for compliance with the National Historic Preservation Act includes locating, inventorying and nominating all cultural sites that may be directly or indirectly affected by scheduled activities. This activity has been determined to have no potential to effect historic properties.

Executive Order 13007 - This order directs federal agencies to accommodate access to and ceremonial use of American Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites. The proposed action will not limit access to or ceremonial use of sacred sites by Indian religious practitioners and will not adversely affect the integrity of such sites.

E.O. 13175 (Consultation and Coordination with Indian Tribal Governments) – The following federally recognized tribal governments and organizations were contacted via the scoping letter. In addition, Sitka Ranger District personnel collaborated with the Sitka Tribe of Alaska and the Kayaani Commission numerous times regarding this project prior to and during the NEPA process through coordination meetings and semiannual consultation meetings.

- Sitka Tribe of Alaska
- Angoon Community Association
- Organized Village of Kake
- Central Council Tlingit and Haida

Administrative Review and Objection Rights

This decision is subject to administrative review (objection) pursuant to 36 CFR Part 218. Individuals who submitted specific, written comments during the 30-day comment period or the January 2015 scoping period will have standing to participate in the predecisional review and objection process.

After this draft decision and EA are made available to the public, a legal notice announcing the objection period for this project will be published in the Daily Sitka Sentinel, the newspaper of record for decisions made by the Sitka District Ranger. The publication date in the Daily Sitka Sentinel is the exclusive means for calculating the time to file an objection of this project. Those wishing to object to

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this proposed project should not rely upon dates or timeframe information provided by any other source.

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

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

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

Objections may be sent to:

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

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

Implementation

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

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

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

For further information concerning the Commercial Harvest of Spruce Tips Project, contact:

Thomas Witherspoon, Project Team Leader

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