Shoreline II Outfitter/Guide
Draft Record of Decision
Cover Photo: A picture of Endicott Arm Glacier taken from the elevation of 1,115 feet.

NOTE: We make every effort to create documents that are accessible to individuals of all abilities; however, limitations with our word processing programs may prevent some parts of this document from being readable by computer-assisted reading devices. If you need assistance with this document, please contact the Petersburg Ranger District at (907) 772-3871.
File Code: 1950
Date: March 7, 2017

Dear Planning Participant:

The Juneau, Sitka, and Hoonah Ranger Districts and Admiralty National Monument have released the Final Environmental Impact Statement (FEIS) and draft Record of Decision (draft ROD) for the Shoreline II Outfitter/Guide project. These documents, with appendices including use area cards and response to comments, are available on-line at: http://go.usa.gov/Pzi. Hardcopies of the FEIS and draft ROD are also available for review at the Forest Service offices above, and the Petersburg Ranger District.

The Tongass National Forest is proposing new outfitter and guide allocations on the Tongass National Forest marine shoreline zone and associated uplands, in the project area as described in the FEIS, as an update the 2004 Shoreline Outfitter/Guide Record of Decision to better align with current market demand for non-motorized commercial recreation services.

The FEIS describes four alternatives: no action (Alternative 1), proposed action (Alternative 2), lower allocation (Alternative 3), and higher allocation (Alternative 4). The alternatives represent different approaches to address issues raised by the public, while achieving to varying degrees the purpose and need for action. In addition, the FEIS discusses the estimated effects of each alternative, and compares them in terms of meeting management objectives and estimated impacts to resources. The Forest Service’s preferred alternative is Alternative 2.

Based on comments received during the scoping period, comments on the DEIS, and input from the Forest Service interdisciplinary team, the draft ROD documents the Responsible Official's intent to select Alternative 2, the proposed action, and provides his decision rationale. This decision would allocate up to 80,305 service days of the estimated total visitor capacity of 636,448 service days within the project area to outfitter/guide use.

Copies of this letter have been directly mailed or emailed to those people who have expressed interest in the project through scoping, comments, consultation, or request to be on the mailing list.

This project is subject to the pre-decisional administrative review (objection) process pursuant to 36 CFR 218, subparts A and B. Detailed information on objection rights and procedures are included in the draft Record of Decision, page 21.

The Shoreline II Outfitter/Guide interdisciplinary team thanks those of you who took the time to review and comment on this project. For more information, please call Carey Case, project team leader, at 907-772-3871.

Sincerely,

M. EARL STEWART
Forest Supervisor, Tongass NF

Caring for the Land and Serving People

Printed on Recycled Paper
Shoreline II Outfitter/Guide

Draft Record of Decision

United States Department of Agriculture,
Forest Service Alaska Region

Lead Agency: USDA Forest Service
Tongass National Forest

Responsible Official: M. Earl Stewart, Forest Supervisor
Tongass National Forest
Federal Building
648 Mission Street
Ketchikan, Alaska 99901-6593
(907) 225-3101

For Further Information Contact: Chad VanOrmer, Monument Ranger
Admiralty Island National Monument and Hoonah Ranger District
8510 Mendenhall Loop Road
Juneau, AK 99801
(907) 586-8800

Carey Case, Team Leader
Petersburg Ranger District
12 North Nordic Drive
Petersburg, AK 99833
(907) 772-3871

Abstract

The Responsible Official intends to select Alternative 2, the Proposed Action from the Shoreline II Outfitter/Guide Final Environmental Impact Statement. This Decision would allocate up to 80,305 service days of the estimated total visitor capacity of 636,448 service days within the project area to outfitter/guide use.
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Draft Record of Decision

Shoreline II Outfitter/Guide

Introduction

Based upon my review of the Shoreline II Outfitter/Guide Final Environmental Impact Statement (FEIS), it is my intention to select Alternative 2, in its entirety, as documented in the FEIS. Alternative 2 will hereafter be referred to as the Selected Alternative.

This draft Record of Decision (ROD) is being made available for review under the Predecisional Administrative Review, or “Objection” process, at 36 CFR 218, subparts A and B, as described under the Administrative Review – Opportunity to Object section of this draft ROD.

Project Area

The project area includes all areas used for non-motorized outfitter/guide activities that originate from the marine shoreline areas in the Admiralty Island National Monument, and Hoonah, Juneau, and Sitka Ranger Districts (see Figure R-1). In general, the project area extends ½ mile inland, with further extensions inland where specific outfitter/guide activities and locations are accessed from the shoreline (i.e. goat/deer hunting, canoe route/portage, freshwater fishing on anadromous and other fish-bearing streams and lakes, etc.). This includes a large portion of Baranof Island where goat and deer hunting areas extend inland.

The project area is divided into 48 geographical use areas (UA) (Table R-1), encompassing 5,944,971 acres of National Forest System (NFS) land. This translates to approximately 5,870 miles of shoreline. Of that land, approximately 2,899,350 acres are in the Shoreline II Outfitter/Guide project area. Appendix 1 provides detailed information for each UA, such as total acres and special features.

Areas that are not part of this analysis:

1. Private lands and other public lands and waters outside the jurisdiction of the Forest Service (i.e. submerged islands, marine waters, Alaska State Parks).

2. The summer (peak) season at the Pack Creek Zoological Area in Admiralty Island National Monument, which had a separate Decision on March 21, 2011. The remaining seasons (fall, winter, and spring) are included within this analysis.

3. Mitchell, Kanalku, and Favorite Bays in Admiralty Island National Monument are being considered under a separate analysis with a Decision expected in 2017.

4. The Kruzof Island Mud Bay and Eagle River motorized and non-motorized trail systems and the Eagle River Road large group area, in the Sitka Ranger District, had a separate Decision on April 21, 2015.
## Table R-1. Total acres of each use area

<table>
<thead>
<tr>
<th>Use Area</th>
<th>General Location</th>
<th>Acres</th>
<th>Use Area</th>
<th>General Location</th>
<th>Acres</th>
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</thead>
<tbody>
<tr>
<td>01-01</td>
<td>Skagway Area</td>
<td>300,795</td>
<td>04-05A</td>
<td>SW Admiralty</td>
<td>61,113</td>
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<tr>
<td>01-02</td>
<td>Haines Area</td>
<td>19,542</td>
<td>04-06A</td>
<td>Pybus Bay</td>
<td>55,102</td>
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<tr>
<td>01-03</td>
<td>East Chilkats</td>
<td>361,104</td>
<td>04-06B</td>
<td>Eliza Harbor</td>
<td>84,639</td>
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<tr>
<td>01-04A</td>
<td>Berners Bay</td>
<td>235,343</td>
<td>04-07A</td>
<td>Gambier Bay</td>
<td>119,063</td>
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<tr>
<td>01-04B</td>
<td>N. Juneau Coast</td>
<td>49,651</td>
<td>04-07B</td>
<td>Cross-Admiralty Canoe Route</td>
<td>86,645</td>
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<tr>
<td>01-04C</td>
<td>Taku Inlet</td>
<td>340,133</td>
<td>04-08</td>
<td>NE Admiralty</td>
<td>128,121</td>
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<tr>
<td>01-04D</td>
<td>Slocum Inlet</td>
<td>17,211</td>
<td>04-09A</td>
<td>Seymour Canal</td>
<td>87,673</td>
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<tr>
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<td>Taku Harbor</td>
<td>19,749</td>
<td>04-09B</td>
<td>Pack Creek Zoological Area</td>
<td>65,367</td>
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<td>01-05B</td>
<td>Port Snettisham</td>
<td>365,841</td>
<td>04-10A</td>
<td>Greens Creek</td>
<td>2,543</td>
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<td>01-05C</td>
<td>Windham Bay</td>
<td>162,229</td>
<td>04-10B</td>
<td>NW Admiralty</td>
<td>243,554</td>
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<td>01-05D</td>
<td>Tracy Arm</td>
<td>330,724</td>
<td>04-11A</td>
<td>Port Frederick</td>
<td>112,274</td>
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<td>01-05E</td>
<td>Fords Terror</td>
<td>24,374</td>
<td>04-11B</td>
<td>Freshwater Bay</td>
<td>97,053</td>
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<td>01-05F</td>
<td>Endicott Arm</td>
<td>367,087</td>
<td>04-12</td>
<td>Tenakee Inlet</td>
<td>314,938</td>
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<td>04-01A</td>
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<td>04-13</td>
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<td>04-14</td>
<td>Slocum Arm</td>
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<td>04-01C</td>
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<td>04-15A</td>
<td>Lisianski</td>
<td>89,631</td>
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<td>04-02A</td>
<td>Redoubt Lake</td>
<td>45,155</td>
<td>04-15B</td>
<td>West Yakobi Island</td>
<td>39,669</td>
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<tr>
<td>04-02B</td>
<td>Whale Bay</td>
<td>222,466</td>
<td>04-15C</td>
<td>Stag Bay</td>
<td>26,681</td>
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<tr>
<td>04-02C</td>
<td>Necker Islands</td>
<td>6,481</td>
<td>04-15D</td>
<td>Portlock Harbor</td>
<td>107,939</td>
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<tr>
<td>04-02D</td>
<td>SW Baranof</td>
<td>50,534</td>
<td>04-16A</td>
<td>Point Adolphus</td>
<td>8,888</td>
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<tr>
<td>04-03</td>
<td>Sitka Area</td>
<td>346,237</td>
<td>04-16B</td>
<td>North Chichagof</td>
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<td>04-04A</td>
<td>Rodman Bay</td>
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<td>04-16C</td>
<td>Idaho Inlet</td>
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<td>04-04B</td>
<td>Kelp Bay</td>
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<td>04-16D</td>
<td>Pleasant, Lemesurier, and Inian (PLI) Wilderness</td>
<td>23,105</td>
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<tr>
<td>04-04C</td>
<td>Baranof Warm Springs</td>
<td>28,963</td>
<td>04-16E</td>
<td>Port Althorp</td>
<td>19,542</td>
</tr>
</tbody>
</table>
Draft Record of Decision

Figure R-1. Shoreline II Outfitter/Guide project area map
The Selected Alternative

The Selected Alternative allocates up to 80,305 service days of the estimated total visitor capacity of 636,448 service days, within the project area to outfitter/guide use (Table R-2). These allocations are proposed for each use area, by season. The seasons are as follows: fall (September 15 to December 31), winter (January 1 to March 14), early spring (March 15 to April 24), late spring (April 25 to May 20, or 31), summer (May 21, or June 1 to September 14).

Table R-2: Service days by season and use area for the Selected Alternative

<table>
<thead>
<tr>
<th>Shoreline II Use Areas</th>
<th>(Service Days)--Early Spring</th>
<th>(Service Days)--Late Spring</th>
<th>(Service Days)--Summer</th>
<th>(Service Days)--Fall</th>
<th>(Service Days)--Winter</th>
<th>Total</th>
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<tr>
<td>01-01 Skagway Area</td>
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<td>145</td>
<td>710</td>
<td>260</td>
<td>125</td>
<td>1,400</td>
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<td>01-02 Haines Area</td>
<td>30</td>
<td>25</td>
<td>115</td>
<td>55</td>
<td>20</td>
<td>245</td>
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<tr>
<td>01-03 East Chilkats</td>
<td>140</td>
<td>125</td>
<td>750</td>
<td>160</td>
<td>150</td>
<td>1,325</td>
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<td>01-04A Berners Bay</td>
<td>60</td>
<td>55</td>
<td>350</td>
<td>105</td>
<td>50</td>
<td>620</td>
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<tr>
<td>01-04B N. Juneau Coast</td>
<td>105</td>
<td>90</td>
<td>450</td>
<td>155</td>
<td>65</td>
<td>865</td>
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<tr>
<td>01-04C Taku Inlet</td>
<td>125</td>
<td>110</td>
<td>810</td>
<td>170</td>
<td>165</td>
<td>1,380</td>
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<tr>
<td>01-04D Slocum Inlet</td>
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<td>25</td>
<td>310</td>
<td>70</td>
<td>20</td>
<td>455</td>
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<td>01-05A Taku Harbor</td>
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<td>55</td>
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<td>475</td>
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<td>70</td>
<td>0</td>
<td>345</td>
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<tr>
<td>01-05E Fords Terror</td>
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<td>35</td>
<td>125</td>
<td>70</td>
<td>0</td>
<td>270</td>
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<td>01-05F Endicott Arm</td>
<td>95</td>
<td>85</td>
<td>490</td>
<td>105</td>
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<td>775</td>
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<td>04-01A Gut Bay, Baranof</td>
<td>60</td>
<td>55</td>
<td>420</td>
<td>70</td>
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<td>640</td>
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<td>1,075</td>
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<td>655</td>
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<td>2,185</td>
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<td>04-02D SW Baranof</td>
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<td>95</td>
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<td>365</td>
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<td>2,670</td>
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<td>65</td>
<td>2,990</td>
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<td>50</td>
<td>675</td>
<td>110</td>
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<td>280</td>
<td>110</td>
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<td>685</td>
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<td>45</td>
<td>320</td>
<td>140</td>
<td>0</td>
<td>575</td>
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## Shoreline II Use Areas

<table>
<thead>
<tr>
<th>Shoreline II Use Areas</th>
<th>(Service Days)-- Early Spring</th>
<th>(Service Days)-- Late Spring</th>
<th>(Service Days)-- Summer</th>
<th>(Service Days)-- Fall</th>
<th>(Service Days)-- Winter</th>
<th>Total</th>
</tr>
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<tbody>
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<td>60</td>
<td>320</td>
<td>140</td>
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<td>610</td>
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<td>04-09B Pack Creek Zoological Area</td>
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<td>60</td>
<td>0</td>
<td>140</td>
<td>0</td>
<td>290</td>
</tr>
<tr>
<td>04-10A Greens Creek</td>
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<td>145</td>
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<td>75</td>
<td>415</td>
<td>190</td>
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<td>800</td>
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<td>990</td>
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The following items were considered common to all action alternatives, and are being adopted as part of the Selected Alternative.

The Selected Alternative would allocate guided brown bear hunts in the Alaska Department of Fish and Game (ADF&G) Unit 4 game management unit (GMU) based on the Alaska Board of Game Brown Bear Management Strategy (BBMS 2000). The service days used for each hunt would be part of the total outfitter/guide allocation proposed for the use area and season.

To address the purpose and need of aligning outfitter/guide permitting to updated national policies set forth in 2008, the following actions are adopted:

- **Number of Guided Brown Bear Hunts:** The Forest Service will allocate guided brown bear hunts in the ADF&G GMU 4 based on the BBMS. The service days used for each hunt are part of the total outfitter/guide allocation proposed for each use area and season. The Forest Service would continue to expect guides to strive for distributing their hunts based on the BBMS recommended number of guided hunts per Guide Use Area (GUA) (Table 2-5 of the FEIS) and ADF&G’s historical percentage of use data during the spring (70 percent) and fall (30 percent) seasons. The Forest Service will keep any unallocated hunts in reserve until such time when biological or population factors allow for these hunts to be reissued in a special use permit. The Forest Service will continue to collaborate with the BGCSB and ADF&G to the maximum extent necessary to manage for healthy populations of wildlife and high quality public recreation experiences.
Shoreline II Outfitter/Guide

- **Change in Ownership Direction:** Rescind in its entirety the Outfitter and Guide Change in Ownership Direction (Cole, 2009) that established guidance for issuing special use permits to Limited Liability Companies (LLCs) and limited the number of hunts and service days in a change of outfitter/guide ownership to no more than two-thirds the number held by the previous owner. Issuance of future big game guide hunts or service days will be in accordance with existing Forest Service policies set forth in the Code of Federal Regulations, Forest Service Manual, Forest Service Handbook or other agency guidance.

- **Number of Registered Guides:** Continue to follow the guidelines for the number of permitted brown bear guides set forth in the BBMS, or any future collaborative planning effort. To maintain a high-quality hunt experience and avoid impacts to other users from overcrowding, the BBMS recommends that a maximum number of 20 individual registered brown bear guides should be permitted to operate in ADF&G GMU 4. Currently, there are 20 registered brown bear guides permitted to operate in Unit 4. Therefore, based on the current BBMS, no additional brown bear guides will be permitted within the ADF&G Unit 4 portion of the Shoreline II project area unless an existing guide relinquishes their permit (e.g., change of ownership), or a prospectus is offered. Require that special use permits issued to corporations or LLCs for big game guiding identify the maximum number of registered guides (brown bear guides and/or other big game guides) that can operate under such permit as determined by the authorized officer on a case-by-case basis. For LLCs or corporations authorized for brown bear hunting in GMU 4, the cumulative number of registered brown bear hunting guides shall align with the recommendations in the BBMS or future collaborative efforts. The intent of this action is to avoid unchecked expansion of the number of registered guides operating within the project area.

- **Competitive Interest and Prospectus:** Federal regulations (36 CFR 251.58(c)(3)(ii)) and Forest Service policy (FSM 2712.1; FSH 2709.14, 53.1h(3)) require the issuance of special use permits through the use of a prospectus when a competitive interest for outfitter/guide permits exists. Therefore, unallocated big game guide hunts or service days where there is competitive interest by big game guides will be issued through a prospectus process in accordance with Forest Service Manual and Handbook direction. When existing outfitter/guide big game permits expire, the previously allocated big game hunts or service days (where there is competitive interest) may also be issued through a prospectus process (see previous CFR and policy reference and FSH 2709.14, 53.1m(5) and 53.1m(3 and 4)). However, if a change of ownership occurs (i.e., a permit holder notifies the Forest Service of their intent to sell their business or controlling interest in their business), Forest Service policy allows for authorized officer discretion to issue a permit to the purchaser. In order to consider the option to authorize hunts or services days through prospectus policies, align the terms of all big game guide special use permits, who are in good standing, to expire in the same year (earliest start date being 2023, which is the furthest out expiration date of all of the existing big game guide permits). This would allow all existing permit holders to operate through the full terms of their current permit. Existing big game guide special use permits will expire on their own terms or terminate earlier if conditions warrant (e.g., change of ownership, or non-compliance). Permits that are in good standing and that expire prior to 2023 could be renewed for a term that does not exceed 2023. At such time when the expiration dates for big game guide permits are aligned, the authorized officer may reissue a portion or all unallocated hunts or service days through a prospectus.

- **Number of Guide Use Areas:** Only authorize up to the maximum number of GUAs allowed by State of Alaska regulations. The Forest Service has issued big game guide permits that have a pool of GUAs from which the permit holder may select annually for operating plan approval. This process has resulted in a greater number of user conflicts due to the higher level of unpredictability from year to year for other guides operating in the selected GUAs. The maximum number of GUAs per permit
will be determined by the number of registered guides authorized on the permit and the corresponding number of GUAs within which each registered guide is licensed to operate by the State. BBMS recommendations and continued coordination with ADF&G will also factor into GUAs authorized on permits.

Large group areas (LGAs) outlined in the FEIS will be included in the Selected Alternative (see ROD Appendix 2). In addition, the provision that no more than 50 percent of the total outfitter/guide allocation for the use area, by season, would be allowed at an LGA, with exceptions in use areas with hardened LGA sites. At hardened LGA sites, the authorized officer would have the flexibility to authorize more than 50 percent of that season’s use area allocation (not to exceed the total outfitter/guide allocation for the season).

I also choose to implement the adaptive management strategy (ROD Appendix 4), which includes a monitoring and environmental review process, which would be applied when any use area’s actual use data fell within the range of 80 percent to 110 percent of the allocation for any use season (early spring, late spring, summer, fall, winter) and there is a request for additional use from an outfitter/guide.

Design features, mitigation measures, permit stipulations and the historic properties management plan as documented in the use area cards (ROD Appendix 1) and large group area cards (ROD Appendix 2), and all permit stipulations and BMPs as presented in the ROD Appendix 3, will be included as part of the Selected Alternative. The implementation of this Decision will occur as existing permits expire and new ones are authorized. The Forest Service will not revoke any current permits based on service day allocation as a result of this Decision.

Copies of the FEIS were mailed to Federal and State agencies, federally recognized tribal governments, and any other offices, organizations, and individuals who requested them. The FEIS is also available for review at http://www.fs.usda.gov/project/?project=38181. The project record is available electronically upon request from the Petersburg Ranger District office in Petersburg, Alaska.

Reasons for the Decision

The Selected Alternative meets the purpose and need for this project, balancing commercial and non-commercial recreational opportunities and providing and maintaining high-quality recreation experiences without degrading forest resources. My Decision to implement the Selected Alternative conforms to the Tongass Land and Resource Management Plan (Forest Plan), Forest Service Handbook, Wilderness Act, and other applicable laws and regulations as presented in the section “Findings Required by Other Laws and Regulations” in this ROD. See also Project Consistency with the 2016 Forest Plan, p. R-17. The analysis contained in the Shoreline II EIS is based on the best available science, and was an interdisciplinary effort that included input from the public, federally recognized tribes, and other State and Federal agencies. I considered concerns raised through scoping, at public meetings and during comment periods, and incorporated this input where feasible. The Selected Alternative addresses the significant issues of economic opportunity for existing and new outfitter/guide operations by offering an overall 69 percent increase over the existing condition, responds to the issue of crowding by limiting outfitter/guide use through mitigation measures where noncommercial use is prevalent and the use of adaptive management when actual use approaches capacity in a use area, and alleviates incompatible outfitter/guide uses during the late spring season by reducing allocation during that period.

When making this Decision, I considered the trade-off between resource protection, the preservation of wilderness characteristics, economic growth and stability, as well as social values. I find that the Selected Alternative provides a beneficial mix of recreation opportunities for the public, and business opportunities for
outfitter and guides in accordance with existing laws, regulations, policies, and the capabilities of the land, while meeting the purpose and need for this project.

**Big Game Guide Management**

I am aware, based on public comments and cooperative efforts with the ADF&G and BGCSB that big game guiding is an important service provided on the Tongass National Forest. Successfully implementing the big game guide management proposals included in the Selected Alternative depends on the continued collaboration and cooperation of State and Federal agencies, outfitter/guides, and the public.

Each of these entities plays a key role in the system for managing big game guiding. The ADF&G is responsible for managing wildlife populations and issuing hunting permits to the public, the BGCSB is responsible for adopting guide regulations and issuing guide licenses, and the Forest Service is responsible for managing the habitat and authorizing the amount and type of use on National Forest System lands for outfitter/guides. I intend to continue to work together to successfully implement not only the Selected Alternative, but to continue to uphold recommendations agreed upon by all entities in the Game Management Unit 4 Brown Bear Management Strategy.

In making this Decision, I have considered the proposals specific to big game guide management as presented in the DEIS, and have reviewed the updates to these proposals made in the FEIS based on public comments. My primary interests for future management of big game guiding through the permit process are to provide high quality and safe recreation experiences for the public, consistency in how big game guide permits are administered among Districts, and transparency and fairness for issuing future big game guide permits in accordance with Forest Service regulations and policies. I feel that the proposals for big game guide management included in the Selected Alternative strive to meet these intentions.

During public meetings and the DEIS comment period, I was made aware of opposition to the proposal to issue future big game guide permits where there is competitive interest through a prospectus, although some prospectus opponents did express support for a prospectus in Game Management Unit 1 where there are currently hunts available to allocate. Also, I would like to respond to questions as to how competitive interest is defined for this Decision as well as the rationale for 2023 as the earliest option for a prospectus.

Federal regulations (36 CFR 251.58(c)(3)(ii)) and Forest Service policy (FSM 2712.1; FSH 2709.14, 53.1h(3)) require the use of a prospectus when a competitive interest exists. Competitive interest exists when there are multiple individuals or entities interested in attaining big game guide permits and not all of them can be accommodated (i.e., when demand exceeds supply). In the case of big game hunts in the Shoreline II project area, there is competitive interest for guided hunts for all big game species except Sitka black-tailed deer.

I acknowledge that this is a change in how permits have been administered in the past. In order to allow for the big game guide industry and the Forest Service to adjust to this new way of authorizing unallocated and previously allocated hunts or service days, the prospectus cycle will begin no earlier than 2023, as stated in the DEIS. This is based on the furthest out expiration date of all of the existing big game guide permits, and would allow all existing permit holders to operate through the full terms of their current permit. Permits that are in good standing and that expire prior to the prospectus start date could be renewed for a term that does not exceed the prospectus start date of 2023 (FEIS Ch. 2, p. 2-15).

Issuing permits through a prospectus is a process that provides equal opportunity for attaining unallocated hunts or service days and provides the highest quality services that meet the needs of the public. In cases where a big game guide business, or controlling interest, is sold to another business entity, the Forest Service will continue to exercise the national policy that allows for authorized officer discretion to re-issue a permit to
the purchaser. This discretion can be used during a prospectus cycle using the change of ownership policy (FSH 2709.14, 53.1m)

My decision to rescind, in its entirety, the Outfitter and Guide Change in Ownership Direction (Tongass National Forest Supervisor, 2009) marks a success in big game management made possible through collaborative efforts between the Alaska Department of Fish and Game, big game guides, and the Forest Service. The intent of the 1/3 holdback policy was in part to reduce the number of allocated hunts in GMU 4, in order to meet the recommendations of the BBMS. Thanks to this successful collaboration, those recommendations have been met, and this policy is no longer necessary.

I acknowledge the comments received from big game guides that do not agree with requiring special use permits to identify the maximum number of registered guides that can operate under a permit issued to a corporation or LLC as determined by the authorized officer on a case-by-case basis. Commenters felt that this would provide line officers “unilateral authority” to determine how many guides could operate under each permit, without giving guides the right to have input on those decisions. Commenters also felt that the alignment of GUAs allowed per permit targeted specific operators and was biased specifically against larger operators.

The purpose of requiring the identification of the number of registered guides per permit is to avoid unchecked expansion of the number of registered guides operating within the project area and to remain within the BBMS recommended total of 20 individual registered guides. Permits that are issued to individuals are clearly permitting only one registered guide for big game hunting activities. Since corporations or LLCs are not necessarily individual persons, this action will clearly specify the number of registered guides authorized to operate under the permit. The individual names of registered guides will continue to be identified in the operating plan and reviewed for approval by the authorized officer (FEIS 3-89). This provision also allows the Forest to avoid overcrowding and maintain a high-quality hunt experience.

In consideration of the number of GUAs per permit, currently the State allows for registered big game guides to identify up to three GUAs to conduct guided hunts. The provision to specify a maximum number of GUAs per permit is intended to provide consistency in how permits are issued between Districts and further align Forest Service permits with State regulations. The maximum number of GUAs per permit will be determined by the number of registered guides authorized on the permit and the corresponding number of GUAs each registered guide is licensed to operate by the State. BBMS recommendations and continued coordination with the Alaska Department of Fish & Game will also factor into identifying GUAs authorized on permits.

In order to address comments received asking the Forest to not allocate brown bear hunts by use area and season, I decided to not carry forward that provision in the Selected Alternative (Changes between Draft and Final p. 2-1). I agree with the Alaska Department of Fish & Game, the Alaska Professional Hunters Association, and individual guides that allocating brown bear hunts by use area and season would create more problems than it would solve, particularly with regard to the increased likelihood of female brown bear mortality.

Finally, the Selected Alternative and the provisions related to big game management will align this Decision with current regulation and policy, provide a fair and equitable means for allocating big game hunts, and will help the Forest provide the best services possible for the public.

**Large Group Areas**

I considered the effects on all resources described in the FEIS when including LGAs in the Selected Alternative. I weighed public concerns related to allowing sufficient use at LGAs to accommodate projected
growth of the cruise industry over time, balanced by concerns that this use will lead to increased wildlife disturbance, crowding and reduced opportunities for solitude or a lessened “wilderness experience” for clients of smaller operators, and unoutfitted/unguided users in areas where LGAs are located.

One of the Shoreline II project objectives is to provide a range of recreation opportunities consistent with public demand (FEIS p. 1-6). The Selected Alternative provides a range of outfitter/guide allocations, including increased allocations at large group areas. LGAs serve an important role for the tourism industry, by providing a place to take large groups of visitors at one time to experience the Tongass National Forest. These sites were included in the Shoreline ROD (2004) and in this analysis, with seven additional LGAs being identified (FEIS p. 2-16).

Identification of LGAs are meant to reduce, to the maximum extent possible, any adverse impacts to natural or cultural resources (see ROD Appendix 2, Large Group Areas, and FEIS Table 3-26). LGAs are located in Forest Plan LUDs where higher use and larger groups are allowed (see Appendix 2, p. A2-1), and most LGAs have site conditions, such as hardened surfaces, that allow for high volumes of visitors. Hardened LGA sites are those with a natural or imported surface material, such as crushed rock or boardwalks, which greatly reduces soil disturbance from people walking within the site. All LGAs are outside of congressionally designated wilderness areas, because they are designed for large groups that exceed wilderness group size standards. Wilderness, Wilderness Monument, and Remote Recreation LUDs comprise approximately 48 percent of the project area.

I find that large group areas are a vital component in meeting the goals and objectives for the Shoreline II project (FEIS p. 1-6) in that they contribute to the range of recreation opportunities offered within the project area. They are consistent with the Forest Plan LUD and Recreation Opportunity Spectrum (ROS) standards and guidelines, and allow the Forest Service to meet requests for increased allocations for larger groups while protecting resource conditions in those areas.

**Adaptive Management Strategy**

I have considered the comments and concerns around including the adaptive management strategy in the Selected Alternative. The use of adaptive management in managing outfitter/guide use is a relatively new and evolving tool that is designed to meet a specific need for a project. In this case, the purpose and need for the Shoreline II project stated a need to “balance commercial and non-commercial recreational opportunities and to provide and maintain high quality recreation experiences without degrading forest resources.” The project’s purpose and need also described changes in the past 10 years with the tourism industry and market demand. I feel that including adaptive management in the Selected Alternative allows the Forest Service to be flexible and able to seek a balance during a time of changing tourism market demands and the potential impacts to resources.

I believe the adaptive management strategy’s use of a 10 percent increase allowed within individual use areas (when resource conditions allow), combined with the overall allocation of total service days made available by the Selected Alternative meets public requests for higher use within the project area as a whole, and allows for flexibility to accommodate future requests for additional use by outfitter/guides.

The Shoreline II adaptive management strategy is a framework that the Forest Service, outfitter/guides and the public will use to learn and adapt together during the implementation of this Decision. It provides resource indicators based on issues raised by the public, a process to inform and arrive at decisions related to adaptive management actions, while also providing a strategy to focus monitoring efforts during times of declining budgets.
A 2-year period of monitoring is required (see Appendix 4) before adaptive management decisions can be instituted. An adaptive management implementation plan will be outlined before the final Decision for this project is issued. The implementation plan will help define outfitter/guide participation and contributions in data collection efforts for adaptive management decisions, and begin the process of standardizing how the Forest Service reports, and provides adaptive management data to stakeholders.

**Wilderness**

Wilderness is managed to provide unique recreation experiences in accordance to the 1964 Wilderness Act and enabling legislation. I intend through this Decision to maintain and enhance opportunities for the public to use and enjoy wilderness through the assistance of outfitter/guides while equally upholding other aspects of wilderness character.

I considered the effects of the Selected Alternative on wilderness resources, based on direction provided in the Forest Plan, the Wilderness Commercial Needs Assessments (DEIS, Appendix F), Visitor Capacity Analysis (DEIS, Appendix E), and the FEIS. All four documents, combined with applicable regulations and policies, form the basis for the Selected Alternative’s allocations within wilderness areas.

In making this Decision, I reviewed public input contending that the number of service days allocated in the Selected Alternative could have been increased substantially, while still addressing resource concerns related to increased use. Commenters also stated that by not allocating a reasonable number of service days within wilderness areas, the costs of small cruise ship operators would increase, in turn adversely affecting the public’s ability to access wilderness areas. I also considered how higher allocation levels could affect wilderness characteristics.

The Selected Alternative provides for an additional 32,856 service days above the current allocation of 47,449 service days made available under the 2004 Shoreline ROD, a 69 percent increase from the current condition. The Selected Alternative also allows for a 155 percent increase over the 2011-2015 average summer actual use in the Kootznoowoo Wilderness on Admiralty Island, a 140 percent increase for the South Baranof Wilderness and a 48 percent increase for the Tracy Arm – Ford’s Terror Wilderness. Use could more than double for the Kootznoowoo and South Baranof wilderness areas under this Decision, and increase by half the current levels for the Tracy Arm – Ford’s Terror Wilderness.

When considering the increased allocation of service days within wilderness areas described above, resource effects as disclosed in the analysis in the DEIS and FEIS, mitigation measures, and adaptive management, I find that the Selected Alternative allows for increases in wilderness commercial use, does not constrain outfitter/guide opportunities and that this Decision will enable the Forest Service to continue to offer high quality recreation experiences without degrading forest resources.

In designated wilderness areas, where it is prohibited to mine, log, build roads and conduct other commercial enterprises, allocating the type and amount of use allowed for outfitter/guide activities represents the biggest potential for affecting wilderness character. The Selected Alternative was designed considering factors such as use, enjoyment, crowding and preservation. The Wilderness Act provides for both use and enjoyment and an enduring resource of wilderness with the underlying charge to preserve wilderness character. I believe that the increased allocations in the Selected Alternative meet the intent of the Wilderness Act "to the extent necessary" provision, while addressing requests for increased use within wilderness areas and the project area as a whole, and provide a balanced approach to crowding and overuse.
Resources Considered in Detail and Other Resources

I have considered the effects of this project on several additional resources, including socioeconomics, recreation, heritage, wildlife, subsistence, threatened endangered sensitive and rare plants, invasive plants, hydrology and fisheries, soils and wetlands. Effects of this Decision to these resources are disclosed in Chapter 3 of the FEIS. Other resources likely to remain unaffected by the proposed action or alternatives, or not affected to a significant degree, such as climate change, are also discussed briefly in Chapter 3, p. 3-3.

Effects of the Selected Alternative on Significant Issues

Issues identified for the Shoreline II Outfitter and Guide project through external and internal scoping were addressed through the development of three action alternatives and a no-action alternative.

Issue 1 – Effects to Economic Opportunities

Issue 1 addresses concerns that the number of service days included in the Selected Alternative (80,305) would not adequately provide for economic stability and growth within the region.

The allocation of the Selected Alternative is based on visitor industry trends, which shows consistent and increasing growth within the region, and current use levels in the project area. Currently the number of allocated service days available is 47,449. The Selected Alternative would increase available service days by 32,856 service days, a 69 percent increase. I believe this allows a reasonable balance of economic opportunity, and growth to new and existing outfitter and guide operations.

Issue 2 – Effects to Wilderness Areas and Effects of Commercial Uses on Non-Commercial Visitors

Comments were received during public scoping expressing concern related to increased outfitter/guide use in areas that historically have had low use. Commenters felt that the Forest Service should do more to limit outfitter/guide operations so that “wild” places (wilderness areas) are not overcrowded; outside of wilderness, concerns were expressed about outfitter/guide use causing crowding, noise, and disturbance in locations popular with non-commercial visitors.

The Selected Alternative offers lower outfitter/guide allocations for use areas in designated wilderness and remote areas than does Alternative 1 and Alternative 4, and limits commercial use where noncommercial use is prevalent. This addresses the issue of crowding, and provides a balance between use by commercial services and avoiding the degradation of wilderness character. It allocates commercial use to the “extent necessary” per the Wilderness Act, while still providing for quality wilderness visitor experiences.

Issue 3 – Incompatible Commercial Uses

Comments were received stating concerns about incompatible outfitter/guide uses (e.g., bear hunting and wildlife viewing/nature tour operators) that overlap in time and space, particularly during the spring and fall seasons, and result in conflict and diminished recreation experiences.

This issue is addressed through the varying allocations of service days in the Selected Alternative, site-specific design features, and through the separation of the spring season into “early” and “late” spring “sub-seasons”. The allocations for each season for the Selected Alternative allocations are split proportionally.
based on the number of days in each “sub-season”. Reducing service days allocated in the late spring season is intended to address the issue.

This issue is also addressed outside of this analysis through prospectus, permit stipulations, and permit administration.

Alternatives Considered in Detail
Four alternatives were considered in detail in the FEIS. All alternatives respond to the purpose and need. All action alternatives respond to the issues identified in varying degrees as discussed in the Shoreline II Outfitter/Guide FEIS. A brief summary of each of the alternatives analyzed in detail in the FEIS and how it equates to the Selected Alternative is included below. More-specific details are available in Chapter 2 of the FEIS.

Items Common to All Action Alternatives
The following items were considered common to all action alternatives including the Selected Alternative.

- Big Game Guide Management
- Large Group Areas
- Adaptive Management
- Early and Late Spring Seasons

Alternative 1 - No Action
The No-action Alternative is based on the Selected Alternative documented in the 2004 Shoreline Outfitter/Guide Record of Decision, and provides a total of 47,449 service days in the project area. The No-action Alternative would continue the existing management practices of the outfitter/guide special uses management program. The No-action Alternative has a lower total number of service days than any of the action alternatives, including the Selected Alternative. Under this alternative there would be no winter, or early spring season. If selected, this alternative would have used service days as the unit of measure rather than group days.

Alternative 2 – Proposed Action
Alternative 2 is the Selected Alternative. See page R-4 (The Selected Alternative) for discussion related to the selection of this alternative.

Alternative 3
Alternative 3 was developed in response to concerns expressed about the increasing overlap of uses incompatible with each other, such as bear hunting, wildlife viewing, and increased small cruise ship activity. It addressed the issue of loss of solitude and crowding by proposing lower outfitter/guide allocations for use areas in designated wilderness and in remote areas. It proposed to allocate a total of 63,940 service days across the project area.

Alternative 4
Alternative 4 was developed to emphasize support for local and regional economies by increasing opportunities for outfitters/guides, and allocated the highest number of service days (130,655) to
Shoreline II Outfitter/Guide

outfitter/guide use. It was calculated by applying a 5 percent increase to the proposed action and compounded annually over a 10-year period.

Environmentally Preferable Alternative

Alternative 1, the No-action Alternative, would result in the least environmental disturbance and is therefore the environmentally preferred alternative. The No-action Alternative would continue the existing management practices of the outfitter/guide special uses management program, and has a lower total number of service days than any of the action alternatives, including the Selected Alternative. A lower number of service days equates to less use on-the-ground in the project area, which would provide the greatest resource protection of all alternatives considered.

Alternatives Eliminated From Further Consideration

Several additional alternatives were proposed internally or by the public during scoping and review of the Shoreline II Outfitter/Guide FEIS. These alternatives, while considered, were not carried forward for detailed analysis. More discussion of these alternatives is located in Chapter 2 of the FEIS, Alternatives Considered but Eliminated from Detailed Study.

Public Involvement

Public involvement is a key component of the planning process; it has been instrumental in identifying issues and developing alternatives for the Shoreline II Outfitter/Guide project. Public meetings, Federal Register notices, newspaper ads, government-to-government consultation, group and individual meetings, and the Tongass National Forest Schedule of Proposed Actions (SOPA) were used to seek input for this project.

From 2012 to 2016, informal meetings were held regarding the project with members of the public and stakeholder groups. During the same period, government-to-government consultation, meetings, reviews, and professional dialogue also occurred with other Federal and State agencies.

A complete list of all members of the public, groups, and agencies that received a copy of the FEIS is located in Chapter 4 of the FEIS. The responses to comments are included in Appendix E of the FEIS. Submitted literature and opposing viewpoints are available in the project record and online. Chapter 1 of the Shoreline II Outfitter/Guide FEIS provides detailed information concerning public involvement and tribal consultation, as well as the timing of public involvement activities that occurred prior to the Notice of Availability and release of the FEIS.

The Notice of Availability for the DEIS was published in the Federal Register on January 29, 2016, starting the 45-day public comment period. A legal notice was published on January 28, 2014 in the Ketchikan Daily News, the newspaper of record. In response to requests from the public, the comment period was extended to April 25, 2016.

Project Record

The project record includes the FEIS, materials produced or used during the environmental analysis, such as relevant references, data and analysis plus all material incorporated by reference, such as the Forest Plan and supporting documentation. The project record is available electronically upon request.
Draft Record of Decision

Mitigation

The analysis documented in the FEIS discloses the possible adverse effects of implementing the actions proposed under each alternative. Forest Plan standards and guidelines were followed to mitigate or reduce these effects. This direction was applied in the development of the project alternatives, including the Selected Alternative. The Shoreline II Outfitter/Guide FEIS discusses specific mitigation measures for the project by Use Area (Appendix A), Large Group Areas (including a historic properties management plan, in Appendix B), and by outlining permit specific stipulations (Appendix C).

As part of my Decision, I have include all mitigation measures as described in the FEIS, and discussed above. ROD Appendices 1-4: Use Area Cards (Appendix 1), Large Group Areas (Appendix 2), Stipulations and BMPs (Appendix 3) and Adaptive Management (Appendix 4) are included as part of this Decision.

Monitoring

Monitoring involves gathering data and information and observing the results of management activities. Monitoring activities can be divided into project-specific and Forest Plan monitoring and is required under NFMA to evaluate Forest Plans (36 CFR 219.110). Chapter 6 of the 2008 Forest Plan includes monitoring activities to be conducted as part of Forest Plan implementation. Monitoring items that apply to the Selected Alternative are part of this Decision and will be implemented.

All monitoring requirements being adopted specific to this Decision are outlined within the historic properties management plan included in Large Group Areas, Appendix 2 and Adaptive Management, Appendix 4.

Findings Required By Law

**Alaska National Interest Lands Conservation Act (ANILCA)**

An ANILCA Section 810 and 811 subsistence evaluation was conducted. As noted in the Subsistence section (FEIS p. 3-155), the primary subsistence resource that may be significantly affected by Forest Plan actions is Sitka black-tailed deer. Competition between guided hunters and subsistence users would be the same under all alternatives. At current levels of guided deer hunting and allocations, and with the mitigation in place around Angoon (Appendix A, p. 87), competition between guided hunters and subsistence users is not expected to be significant. Based on the MIS analysis for deer, no significant change in deer distribution or abundance is expected to result from implementing any of the alternatives. No restrictions to subsistence users’ access to subsistence resources in proposed under any alternative. Under all alternatives, this project could slightly increase competition for deer, by improving access for non-subsistence users to important subsistence areas. However, this increase is not expected to be significant. Therefore, this evaluation concludes that all alternatives shall not result in a significant possibility of a significant restriction on subsistence uses. (FEIS p. 3-158 and 159).

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

In conjunction with the National Bald Eagle Guidelines, the USFWS Alaska Region (USFWS 2009a) has identified step-by-step guidelines to assist in determining if activity near an eagle nest is likely to “take” or disturb bald eagles.

Analysis concluded that no activities are proposed within disturbance avoidance zones listed in the USFWS conservation measures for avoiding take, under any alternative. Therefore, I have determined that there would be no direct or indirect adverse effects on bald eagle habitat or bald eagles under the Selected
Alternative with required timing restrictions. Because there are no direct or indirect adverse effects to eagles, there will be no take and a permit will not be necessary as described in 50 CFR § 22.26.

**Clean Air Act of 1970 (as amended)**

I have determined that emissions from the implementation of the Selected Alternative will not exceed State of Alaska ambient air quality standards (18 AAC 50).

**Clean Water Act (1977, as amended)**

Section 404 of the Clean Water Act (33 CFR 323) directs the Forest Service to avoid alteration of and new construction on wetlands wherever there is a practical alternative. Due to the large percentage of wetlands in the Shoreline II project area it is impossible to avoid wetlands; however, all wetlands are avoided to the extent practicable. Where wetlands cannot be avoided, State-approved best management practices (BMPs) and the fifteen Federal baseline provisions (33 CFR 323) will be used to minimize effects to the wetland. Special consideration is given to avoiding high-value wetlands. Any infrastructure or hardening in wetlands will require a Section 404 permit (FEIS p. 198).

**Endangered Species Act (ESA) of 1973 (as amended)**

A Biological Assessment (BA) was prepared (06-15-16) for the Shoreline II project consistent with USDA Forest Service threatened, endangered, and sensitive (TES) plant and animal species policy (FSM 2670). The BA determined that the project is “not likely to adversely affect” T&E species which includes humpback whales, sperm whales, western Distinct Population Segment of the Steller sea lions, or listed salmon, steelhead, and sturgeon species. After continued consultation with the Forest Service, NMFS concurred on 10-21-16 with the determination of “may affect, but not likely to adversely affect” humpback whales, sperm whales, western Distinct Population Segment of the Steller sea lions, or listed salmon, steelhead, and sturgeon species.

A Biological Evaluation (BE) (10-31-16) assessed the effects by alternative on R10 sensitive species and T&E species. The BE determined that that this project “may affect, but are not likely to adversely affect the humpback and sperm whales and western DPS of the Steller sea lion.” The determination for R10 sensitive species is “may impact individuals, but not likely to result in a loss of viability in the planning area, nor cause a trend toward Federal listing” for black oystercatchers, Queen Charlotte goshawks, and eastern DPS of the Steller sea lion. A BE was also prepared for TES plants (12-07-15). No T&E plants are known or suspected to occur in the project area. The determination for the six sensitive plant species known to occur in the project area is “may impact individuals, but are not likely to cause a trend toward Federal listing or loss of viability of any sensitive plant species”.

The Biological Assessment and Biological Evaluations are part of the project record.

**Federal Cave Resource Protection Act of 1988**

There are no known caves located in the project area.

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

The potential effects of the project on Essential Fish Habitat (EFH) were included in Chapter 3 of the DEIS and the FEIS. This discussion includes reference to the Magnuson-Stevens Fisheries Conservation Act that requires the Forest Service to consult with the National Marine Fisheries Service (NMFS) on projects that may affect EFH. It also includes a description of EFH in the project area, a description of the proposed activities, an analysis of the potential adverse effects of the actions on EFH and the managed species, Forest
Draft Record of Decision

Service conclusions on the effects of the action on EFH, and a description of the measures that will protect these essential habitats.

I have reviewed the potential effects of the project on EFH discussed in the FEIS Chapter 3 and I have determined that this project may adversely affect EFH (FEIS p. 191). However, the effects to aquatic resources, as described in the FEIS and specialist reports, will be minimal or virtually immeasurable. By implementing Forest Plan standards and guidelines, best management practices, and outfitter/guide permit stipulations, effects to EFH should not occur. Additional impacts to EFH may occur only from unforeseen events.

The DEIS was provided to the NMFS in January of 2016 to formally initiate the consultation process according to the agreement dated June 26, 2007 between the Forest Service and the National Marine Fisheries Service. NMFS warranted that no formal consultation was needed and chose not to respond citing that “no comments were necessary” (personal communication with Jeanne Hanson NOAA 1/12/2017). According to the June 2007 agreement (EFH Consultation Process, Item 5) on p. 4, if NMFS does not respond within the established comment period [45 days for an EIS] without a Forest Service-approved time extension, consultation is ended and no further correspondence is necessary.

**Marine Mammal Protection Act of 1972**

Actions authorized in the Selected Alternative are determined to “may affect, but not likely to adversely affect” marine mammals. Marine mammal viewing guidelines administered by the National Marine Fisheries Service (NMFS) and enforced by the Coast Guard are sufficient for their protection. Outfitters and guides are required to follow provisions on Marine Wildlife Guidelines, including special prohibitions on approaching humpback whales in Alaska as defined in 50 CFR 224.103.

**National Forest Management Act (NFMA) of 1976 (as amended)**

The Selected Alternative fully complies with the 2016 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. Application of Forest Plan direction for the Shoreline II Outfitter/Guide project ensures compliance at the project level.

**Project Consistency with the 2016 Forest Plan**

The 2016 Tongass Land and Resource Management Plan (2016 Forest Plan) amended the 2008 Forest Plan. The 2008 Forest Plan was developed under a prior planning regulation (1982 Planning Rule) and was amended pursuant to the 2012 Planning Rule (36 CFR 219). Project consistency with plan components is governed by 36 CFR 219.15(d).

For a plan developed or revised under a prior planning regulation that is amended pursuant to the 2012 Planning Rule, the consistency requirement is as follows:

1. The 2012 Planning Rule consistency provisions at 36 CFR 219.15(d) apply only to plan component(s) added or modified in conformance with, and as defined by, the 2012 Planning Rule; with respect to other plan provisions, the Forest Service's prior interpretation of consistency, that projects need only be consistent with plan standards and guidelines, applies.

2. The Forest Service's prior interpretation of consistency, that projects need only be consistent with plan standards and guidelines, and not the 2012 Planning Rule consistency provisions at 36 CFR 219.15(d), also applies when an amendment developed and approved under the 2012 Planning Rule...
does not change the text of the plan direction but simply applies existing plan direction to a different, or additional, area or areas within the plan area.

(FSH 1909.12, Ch. 20, sec. 21.33)

The Selected Alternative includes specific requirements to avoid or minimize environmental impacts and must be complied with by law, regulation, or policy. These design features include, but are not limited to best management practices (BMPs), Forest Plan standards and guidelines, and standard operating procedures. The Selected Alternative was designed in exact accord with all applicable LUD-specific and forest-wide standards and guidelines in Chapters 3 and 4 of the 2016 Forest Plan.

Since Shoreline II does not propose timber harvest, young-growth management, renewable energy development, or transportation systems corridors development, these Chapter 5 plan components are not applicable. The Selected Alternative complies with all of the applicable forest-wide wildlife plan components in Chapter 5 of the 2016 Forest Plan as follows:

**G-WILD-02 (Bald Eagle Habitat)**

Although good sources of active bald eagle nest locations are not available, nests are evenly distributed along the coastal shorelines and an estimated 91 percent occur within the beach and estuary buffer. The latest National Bald Eagle Management Guidelines will be followed when authorizing any special use permit in the vicinity of known bald eagle nests.

**S-WILD-03 (Aleutian Tern)**

The special use permit will include the following stipulations:

- Maintain a 250 meter [820 foot] no-disturbance distance from seabird colonies on upland habitats.
- Collect and dispose of all garbage.
- Provide clients with educational materials on shorebirds (to include Aleutian Tern) to explain forest management activities related to these species.

**S-WILD-04 (Black Oystercatcher)**

The special use permit will contain the following stipulation:

- Maintain a 330 foot distance from waterfowl or shorebird intertidal concentration or nesting areas.

**National Historic Preservation Act (NHPA) of 1966 (as amended)**

The Determination of Effect for this Shoreline II EIS was prepared and submitted to the Alaska State Historic Preservation Officer (SHPO) for concurrence. In accordance with Section 106 of the NHPA it was determined that no sites eligible to the National Register of Historic Places will be adversely effected as a result of this Decision if all stipulations and mitigations, which are described in the FEIS Chapter 3 and Appendices A, B and C (ROD Appendices 1, 2, and 3) are implemented. The primary mitigation factors are that the types of activities allowed under this Decision are generally not ground disturbing, permit holders and their clients will be encouraged to use Leave No Trace principles, and all permits will contain the Standard “Archeological-Paleontological Discoveries Clause” (R10-X106). Additionally, historic property management plans will be developed for those large group areas that contain historic properties prior to re-issuing permits or upon new application for use of the large group area.
The State Historic Preservation Officer concurred with a signed letter on December 1, 2015 with the conditional finding of “No Adverse Effect” (Bittner, 2015). Consultation has been completed for the FEIS.

**Wild and Scenic Rivers Act**

There are six river systems within the project area that were recommend by the Forest Plan for inclusion in the National Wild and Scenic River System. Congressional action to designate these rivers has not occurred.

No effect is expected with the implementation of Selected Alternative that would cause these river segments to deviate from the desired condition as described in the Forest Plan, or preclude them from eventual inclusion by Congress in the National Wild and Scenic Rivers System.

Very little guided or outfitted use has occurred along the project area river segments during the implementation of the 2004 Shoreline project. This is not expected to change with the implementation of the Selected Alternative.

Recreation and tourism use and activities will continue to be managed to maintain an enduring wildland and free-flowing river resource. The agency will continue to provide for access and use consistent with the Wild and Scenic Rivers Act and the Alaska National Interest Lands Conservation Act of 1980 (ANILCA).

**Executive Orders**

**Executive Order 11988 (Floodplains)**

Executive Order 11988 directs Federal agencies to take action to avoid, to the extent possible, the long- and short-term adverse effects associated with the occupancy and modification of floodplains. The Selected Alternative does not allow outfitters and guides to build any permanent development in floodplains within the Shoreline II project area. 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 during implementation of the Selected Alternative.

**Executive Order 11990 (Wetlands)**

Executive Order 11990 directs Federal agencies to avoid, to the extent possible, the long- and short-term adverse effects associated with the destruction or modification of wetlands. No outfitter or guide activities that result in long-term impacts (filling, dredging, etc.) to wetlands are authorized under this document (USDA Forest Service Manual 2527.01-04).

**Executive Order 12898 (Environmental Justice)**

Executive Order 12898 directs Federal agencies to address whether a disproportionately high and adverse human health or environmental impact on minority populations, low-income populations, or Indian tribes is likely to result from the proposed action and any alternatives. This order also directs agencies to consider patterns of subsistence hunting and fishing when an agency action may affect fish or wildlife.

None of the alternatives are expected to have a disproportionately high and adverse effect on the health or well-being of the minority or low-income populations that use the project area. Any changes in consumption patterns and wild food resources, as well as other project effects, would be equally applicable to the general population.
Executive Order 12962 (Aquatic Systems, Recreational Fisheries)

Executive Order 12962 requires Federal agencies to evaluate the effects of proposed activities on aquatic systems and recreational fisheries. The Selected Alternative minimizes the effects on aquatic systems through project design, application of Forest Plan standards and guidelines, BMPs, and site-specific mitigation measures. Recreational fishing opportunities will remain essentially the same as the current condition.

Executive Order 13007 (Indian Sacred Sites)

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.

Executive Order 13112 (Invasive Species)

Executive Order 13112 requires Federal agencies (in part) to evaluate whether the proposed activities will affect the status of invasive species, and 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, and that all feasible and prudent measure to minimize risk of harm will be taken in conjunction with the actions.

The Selected Alternative implements specific measures to minimize the introduction and spread of invasive species. See Appendices 1, 2 and 3 of this ROD.

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 tribes on proposed actions with tribal implications.

Throughout the span of the Shoreline II project, myself and the District and Monument Rangers have communicated through letters, council meetings and informal discussions with the tribes within the project area. Tribal consultation does not imply that the tribes endorse the Selected Alternative or any of the alternatives. For further information related to tribal consultation see Chapter 1 of the FEIS.

Executive Order 13186 (Migratory Birds)

The Migratory Bird Treaty Act of 1918 (amended in 1936 and 1972) prohibits the taking of migratory birds, unless authorized by the Secretary of Interior.

The Decision will not have a significant direct, indirect, or cumulative effect on any migratory bird species in the project area.
Executive Order 13443 (Facilitation of Hunting Heritage and Wildlife Conservation)

Executive Order 13443 directs Federal agencies to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat. The analysis considered and disclosed the effects on hunting activities.

The Selected Alternative will maintain the current hunting opportunities by adhering to the Forest Plan standards and guidelines that maintain habitat for hunted species.

Federal and State Permits

Federal and State permits necessary to implement the authorized activities are listed at the end of Chapter 1 in the FEIS.

Implementation Process and Process for Considering Changes and New Information

Special use permits will be issued to authorize the outfitter/guide 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, 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 contains the Selected Alternative’s 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 and that resource effects will not be greater than those described in the FEIS.

Administrative Review - Opportunity to Object

This Decision is subject to the project-level predecisional administrative review process pursuant to Title 36 CFR Part 218, subparts A and B. Individuals or organizations who submitted specific written comments regarding the proposed project either during scoping or other designated opportunity for public comment in accordance with 36 CFR 218.5(a) may file objections to this draft Decision. 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 previous designated 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 of having previously submitted comments on the project (36 CFR 218.5(c), (d)). Names and addresses of objectors will become part of the public record.

Incorporation of documents by reference in the objection is permitted only as provided for at 36 CFR 218.8(b).

The objection must be in writing and meet the objection content requirements at 36 CFR 218.8(d).

Objections must be filed with the Reviewing Officer:

Beth Pendleton, Regional Forester
USDA Forest Service, Alaska Region
709 W. 9th Street
P.O. Box 21628
Juneau, AK  99802-1628
Email address: objections-alaska-regional-office@fs.fed.us
Fax: (907) 586-7840
Phone:  (907) 586-8863

Written objections, including attachments, must be filed (regular mail, fax, email, hand delivery, or express delivery) with the Reviewing Officer at the correct location within 45 calendar days of the date that the legal notification of opportunity to object to this draft Decision is published in the Ketchikan Daily News, the official newspaper of record. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection.

Those wishing to submit objections to this draft Decision should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the time to file an objection. A copy of the legal notice will also be posted on the Forest Service project website at http://go.usa.gov/Pzi.

Hand-delivered written objections will be accepted at the Regional Office during normal business hours (8:00 am through 4:30 pm) Monday through Friday, excluding holidays. Electronic objections must be submitted in a format such as an email message, portable document format (.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). All objections are available for public inspection during and after the objection process.

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 Date

A final Decision on projects subject to the objection process may occur on, but not before, 5 business days from the close of the objection filing period, if no objections are received (36 CFR 218.12(c)(2)).

If objections are received, the 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 not a requirement to publish notification of the Decision.

Contact Information

For additional information concerning this draft Decision, contact Chad VanOrmer, Ranger, Admiralty National Monument and Hoonah Ranger District, 8510 Mendenhall Loop Road, Juneau, AK, 99835 or (907) 586-8800.

M. EARL STEWART
Forest Supervisor
Tongass National Forest
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