

DECISION RECORD
and
FINDING OF NO SIGNIFICANT IMPACT
for
United States Department of Agriculture
Forest Service, Misty Fjords Ranger District
Ketchikan, Alaska
Carlanna Lake Hiking Trail

I. Decision:

It is my decision to approve the United States Department of Agriculture, Forest Service (FS), Misty Fjords Ranger District in Ketchikan, request to use property under the jurisdiction of the Bureau of Land Management (BLM). The application is for a Trail Right-of-Way (ROW) in order to improve public access to the Tongass National Forest and provide safe hiking trails in the City of Ketchikan.

The mitigation contained as part of the Proposed Action and the mitigation measures attached to this document are included as part of my decision. These mitigation measures are formulated into stipulations. These procedures will provide a high level of environmental protection throughout the beginning and final completion of the project.

II. Rationale for the Decision:

The FS is currently working with the Ketchikan Gateway Borough, Alaska State Parks, and the Ketchikan Outdoor Recreation and Trail Coalition, to construct and maintain hiking trails in the Ketchikan area. These organizations entered into a Memorandum of Understanding (MOU) in 1999 to engage in a cooperative effort to plan, locate, design, construct, and maintain hiking trails for the purpose of establishing a public trail system. The FS has agreed to facilitate the construction of five trails in the Ketchikan area, including the Carlanna Lake Trail.

The Proposed Action will not result in any undue or unnecessary environmental degradation and is in conformance with the regulations contained in 43 CFR § 2801.2. Currently, no land use plan exists for this area. The Proposed Action would occur within an area covered by the Draft Ring of Fire Resource Management Plan (RMP). Accordingly, the Proposed Action meets the objectives of the Ring of Fire RMP providing “a balance between land use... and resource protection...” found at page. 2-4 *Ring of Fire, Draft RMP, September 2005*.

Therefore, this environmental analysis assesses the impacts of the Proposed Action and provides a basis for a decision on the proposal (43 CFR § 1610.8 (b)(1)).

III. Finding of No Significant Impact (FONSI):

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts are not expected to be significant and an environmental impact statement is not required.

IV. ANILCA Section 810 Compliance:

The Proposed Action will not significantly restrict Federal subsistence uses, may decrease the abundance of Federal subsistence resources, alter the distribution of subsistence resources, but not limit subsistence user access from currently existing conditions. No further analysis is necessary at this time.

V. Adverse Energy Impact Compliance:

This action has been analyzed as required by Washington Office Instruction Memorandum 2002-053 to determine if it will cause an adverse impact on energy development. The action will not have an adverse direct or indirect impact on energy development, production or distribution. The preparation of a Statement of Adverse Energy Impact is not required.

Gary Reimer
Anchorage Field Manager

April 4, 2006

Attachments

1-AK-040-06-EA-022 (10pp)

2-Standard Stipulations (2pp)

3-Map (1pp)

4-MTP's (2pp)

Standard Stipulations

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the Holder.
2. Pursuant to 43 CFR 10.4(g), the Holder of this authorization must notify the Authorized Officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the Holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the Authorized Officer.
3. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. The plan should be submitted no later than December 1 of any calendar year to cover the proposed activities for the next fiscal year. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to such use.
4. No burning of trash, litter, trees, brush or other vegetative material generated by clearing the right-of-way shall be allowed under this grant.
5. The Holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
6. The Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et seq.*) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks,

spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or state government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

7. The Holder of this right-of-way grant or the Holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of Interior issued pursuant thereto.
8. The holder shall re-vegetate disturbed areas within the ROW, if necessary.
9. To the extent allowable by law, the holder agrees to hold the BLM harmless from any and all liability claims that may result or arise from the exercise of the rights hereby granted.
10. No hazardous material may be stored on the site and all petroleum products must have proper containment.