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Commercially Guided Helicopter Skiing on the Kenai Peninsula

Record of Decision



COMMERCIALLY GUIDED HELICOPTER SKIING ON THE KENAI PENINSULA

RECORD OF DECISION

**USDA Forest Service, Region 10
Glacier and Seward Ranger Districts
Chugach National Forest**

This Record of Decision (ROD) documents our decision concerning whether or not to reissue a permit that authorizes Chugach Powder Guides (CPG) to conduct helicopter skiing on the Glacier and Seward Ranger Districts. This decision is based on the analysis and evaluation of the Commercially Guided Helicopter Skiing on the Kenai Peninsula Final Environmental Impact Statement (FEIS). A map displaying the activities in the Selected Alternative is located in Appendix A. A monitoring and implementation plan associated with this decision is located in Appendix B. The Selected Alternative will be used in the development of the special use permit authorization.

Background

CPG has operated under annual U.S. Department of Agriculture (USDA) Forest Service special-use permits since 1997. These annual permits varied from 800 to 1,200 client days. CPG has requested to increase their client use days within the geographic area they are currently operating (core use area) and to expand their operations to include geographic areas outside of their existing permit (exploratory areas).

The permit area is used by increasing numbers of winter recreation users, including backcountry skiers and snow machine users. The area also provides habitat to a wide variety of wildlife species, including brown bear, moose, mountain goat, bald eagle, Canada lynx, gray wolf, northern goshawk, marbled murrelet, river otter, Townsend's warbler, wolverine and Dall's sheep. The project area includes several communities on the Kenai Peninsula including Girdwood, Moose Pass, Seward, Sunrise and Hope. Each community has a distinct set of social values as expressed through public scoping on the project.

The purpose and need for this project is to provide helicopter skiing opportunities on the Chugach National Forest and to provide a viable, safe, and high quality recreation experience (FEIS p. 1-5 and 1-6).

Decision

Based on the analysis and evaluation in the FEIS it is our decision to select the Forest Service Preferred Alternative 3 (Modified). The Selected Alternative will allow CPG to conduct a total of 2,200 client days in existing locations (core units) and new locations (exploratory units). Core units will be authorized under a five-year special use permit; exploratory units will be authorized under a temporary, one-year special use permit.

Core Units

The Selected Alternative will authorize 1,800 client days of helicopter skiing under a five-year permit on 159,100 acres in the following core units:

- Glacier-Winner
- West Twentymile
- North Twentymile
- East Twentymile
- Placer-Skookum
- East Bench Peak
- North Bench Peak
- West Bench Peak*
- Grandview

** A timing restriction will be placed on West Bench Peak to allow helicopter skiing only on Monday through Thursday.*

Exploratory Units

The Selected Alternative will also authorize CPG to conduct 400 client days of helicopter skiing under a one-year permit on 102,600 acres in the following exploratory units:

- Mid Seattle Creek*
- East Seattle Creek*
- East Moose Creek
- Mount Ascension

** A timing restriction will be placed on Mid Seattle Creek and East Seattle Creek to allow helicopter skiing only on Friday, Saturday, and Sunday.*

Exploratory units will be evaluated yearly to determine if the permit would be reissued, modified, or not issued. Authorization in subsequent years will be dependent upon actual use levels, the amount of disturbance to nearby communities, and other monitoring and implementation requirements and will occur at the discretion of the respective District Ranger. The temporary use permit will allow for potential modifications in use levels, flight paths and use area based upon the project monitoring and implementation plan outline in Appendix B.

Deferred Exploratory Units

The Selected Alternative will defer implementation in the following exploratory units (44,700 acres):

- Snow River
- East Ptarmigan

Although these exploratory areas are cleared by this decision, we will not issue a special use permit in the East Ptarmigan and Snow River exploratory units at this time. This

decision to permit East Ptarmigan and Snow River will be reviewed during the motorized/non-motorized analysis on Kenai Forest Plan Amendment (Carter Crescent Project). This will ensure that the Selected Alternative is compatible with any new direction resulting from the Kenai Forest Plan Amendment.

Staging Areas

Staging areas included in the Selected Alternative are Girdwood Airstrip, Kern Creek (avalanche gun mount site), Ingram Creek, Big Game Alaska, Mile 62 Gravel Pit (National Forest site) and Mile 12.4. A total of 30 landings per day will be permitted at each staging area. However, the Ingram Creek staging area will only be used when weather precludes the use of Kern Creek and Big Game Alaska staging areas.

Selected Design Features and Mitigation

The Selected Alternative will incorporate the following design criteria and mitigation as terms and conditions in the special use permit.

General Operating Requirements

1. CPG will submit a Safety and Operating Plan for Glacier and Seward Ranger Districts' approval that, at a minimum, will include (1) avalanche safety (addressing client safety, as well as safety of other backcountry users in the area); (2) helicopter safety; (3) emergency rescue procedures; (4) guide requirements; and (5) a system for resolving complaints from the public.
2. CPG will follow an established set of flight routes to and from helicopter skiing units that avoid low-level flights (less than 1,500 feet above ground level [AGL]), over no-fly zones, backcountry ski areas closed to helicopter skiing, and residences, as weather allows. *
3. Glacier and Seward Ranger District personnel will monitor all aspects of the CPG operation on NFS lands to assure permit compliance. CPG will provide, on an as needed basis, an approved (Office of Air Services carded) pilot and helicopter and follow Forest Service air safety procedures for permit administration.
4. CPG will provide the Glacier Ranger District a copy of their run log every two weeks.
5. CPG will use a GPS data logger to track their flights and provide data to the Glacier Ranger District once every two weeks, or upon Forest Service request.
6. CPG will ensure that all litter is removed from the permit areas. At the end of the season, CPG will ensure that all helicopter landing area improvements are removed. This may require a flight during the summer months after the snow has melted.

**Helicopters may fly less than the minimum required distance when flight safety may be compromised.*

Wildlife Protection Requirements

1. Helicopters will maintain a 1/2-mile horizontal or 1,500 feet AGL from all observed wildlife. *
2. Helicopters will not hover, circle, or harass any species of wildlife in any way.
3. CPG will adhere to the No-Fly Zones, which identify mountain goat and Dall's sheep concentration areas (See No-Fly Zone Maps, Appendix B). No-Fly Zones are based on a separation distance of 1,500 feet from important habitat. The ADFG will be consulted before any alteration of zone boundaries to less than 1,500 feet.
4. CPG will provide mountain goat, Dall's sheep, and other wildlife sightings to the Glacier Ranger District. The District will provide CPG with incidental wildlife observation forms to be filled out daily. These forms are to be submitted annually upon completion of the permit season. Unique wildlife sightings, such as wolves, wolverines, or brown bears, will be reported not later than the next business day.
5. If a brown bear or wolverine den is located (either by CPG or agency flights), CPG will maintain a 1/2 mile horizontal or 1,500 AGL separation during their operations. *
6. CPG will not ski or conduct any activity within 330 feet of known bald eagle nests.
7. Helicopter flights will not fly within 1/4-mile horizontal distance or 1,500 AGL of any active bald eagle or goshawk nest. When it is not known whether the nest is active, helicopter flights will avoid the nest. The Glacier Ranger District will provide CPG an updated bald eagle and goshawk nest map prior to each season. *

**Helicopters may fly less than the minimum required distance when flight safety may be compromised.*

Recreation Conflicts and Community Impacts Requirements

1. CPG will provide a public "heli-skiing hot line" stating their planned runs for the day.
2. CPG will not fly over the east side of Turnagain Pass (non-motorized recreation area).
3. All helicopter skiing activities will take place between 8:30 a.m. and 7:00 p.m.
4. All helicopters will maintain a distance of 1/2 mile above the valley floors.**
5. All helicopters will maintain a distance of 1/2-mile horizontal distance or 1,500 feet Above Ground Level above observed users. *
6. Helicopters exiting from the Girdwood Airstrip will stay at very low levels either in Glacier Creek Gorge or just west of the creek until near the Four Corners area. Flights toward Turnagain Arm and the southern units will follow the western fringe of the Girdwood Valley until over the Seward Highway, then will follow the highway or cross Turnagain Arm. Flight departures from the Girdwood Airstrip to the south over residential areas will only be used as absolutely needed due to wind direction or other

safety factors. When flying south, CPG will also test and evaluate a flight path over the western fringe of Girdwood by flying low over Glacier Creek and then veering east halfway out the valley where there are no residential areas. Based on public's comments or complaints, if any, this route could be used exclusively.

7. CPG will not fly along the South Fork of Snow River drainage in order to reduce potential conflicts with non-motorized users. CPG will minimize the number of crossings of the drainage to access Mile 12.4 staging area and these crossing will occur as close to South Fork and North Fork of Snow River confluence as possible.

8. Helicopters exiting/entering from the Seward Airport or Mile 12.4 staging area will not fly in the Resurrection River Valley corridor. There will be no flight-seeing over Exit Glacier or Harding Ice Fields to preserve the natural quiet of the Exit Glacier area.

9. Helicopter skiing will not be permitted after March 31 in the Placer-Skookum unit in the area that is closed to all motorized use by the Revised Forest Plan.

**Helicopters may fly less than the minimum required distance when flight safety may be compromised.*

***Helicopters may fly less than the minimum required distance when (1) shuttling passengers from the bottom to the top of a run, (2) during landing and takeoffs, (3) flying over major highway corridors, and (4) when safety may be compromised.*

Safety Requirements

1. All FAA safety requirements will be followed.
2. Helicopters will not land above, nor will CPG ski onto, an avalanche path above any observed backcountry user.
3. Explosives will not be used for avalanche control.
4. CPG will have standard fuel spill prevention, containment, and cleanup materials on hand at any fueling site and will maintain and follow a spill plan that includes spill prevention, containment, cleanup, and notification procedures. If fueling takes place within 50 feet of a wetland or water body, the fuel tank will be located within an impermeable containment basin.

Rational for the Decision

The Kenai Peninsula supports a multitude of resources and hosts many unique recreation opportunities. In making our decision, we considered many issues raised during scoping and took into account competing interests and values of the public. Many divergent public opinions were expressed during the analysis. We considered all views that have been expressed and have used these contributions to define issues, identify design features and mitigation, develop alternatives, and to help craft our decision.

The Selected Alternative was chosen because it best meets the purpose and need for action, while also addressing the issues raised during scoping and comments received concerning the DEIS. In summary, we have attempted to balance community, resource and other recreational needs, with the opportunity to provide high quality guided helicopter skiing opportunities on the Chugach National Forest.

- The Selected Alternative responds to the Purpose and Need to provide helicopter skiing opportunities and responds to the demand for this service. By expanding the geographic area and the number of client days, this alternative also enables the proponent to provide a viable, safe, and high quality recreation experience for members of the public.
- The Selected Alternative addresses community concerns by avoiding the areas with the most potential for noise disturbance and it includes other design features to help mitigate disturbance. We recognize that any increase in helicopter skiing may increase community resident annoyance with helicopter noise. The Selected Alternative removes the activity areas with the highest potential for community disturbance, including the helicopter skiing units of West Moose Creek and West Ptarmigan as well as the staging area at Mile 33.2. Design features such as flight paths, timing restrictions and permitted levels of takeoffs and landings are included in this decision to help minimize impacts.
- The Selected Alternative addresses the competing interests between heli-skiing and other winter recreationists. We recognize that any increase in helicopter skiing may increase winter recreation conflicts. We have attempted to establish timing conditions under which all users may enjoy the opportunities they seek. The Selected Alternative incorporates timing features so that both non-motorized backcountry and helicopter skiers will have quality opportunities during certain parts of the week and winter season.
- We also recognize the need for this decision to involve communities in the implementation of this decision and the need to address ongoing planning and monitoring studies. Therefore, our decision will only issue a temporary one-year permit for the exploratory units. This will allow us to monitor, yearly, to determine if the permit should be reissued, modified or not issued. Reissuance of one-year permits for each exploratory unit will only occur with full concurrence and signature by the respective District Ranger. Authorization of exploratory units in subsequent years will be dependent upon actual use levels, the amount of disturbance to nearby communities, and other monitoring and implementation requirements (please see Appendix B). We are not issuing a special use permit for the East Ptarmigan and Snow River exploratory units until the motorized/non-motorized analysis on Kenai Forest Plan Amendment (Carter Crescent Project) is completed. This will ensure that the proposed helicopter skiing is compatible with any new direction resulting from the Kenai Forest Plan Amendment.

How Significant Issues are Addressed

In making our decision, we considered three major issues identified during the planning process. In the following summary, we disclose how the Selected Alternative addresses each of the significant issues. Table 2-1 in the FEIS supplements the following

discussion and provides a comparison of the alternatives.

Wildlife Impacts

This issue addresses the possibility that helicopter activity could stress wildlife species, particularly mountain goats, bears, moose, and wolverines. The concern is that stress from helicopter flight routes, landings, and helicopter skiing would cause habitat abandonment or long-term population declines. We recognize that individual animals may be adversely affected by the noise and sightings from helicopter skiing activities.

The Selected Alternative addresses this issue by applying Forest Plan Standards and Guidelines and wildlife mitigation measures to all action alternatives. None of the action alternatives will impact wildlife populations, although minor effects to individual animals may occur.

Many respondents on the DEIS thought the Forest Service wildlife information was inadequate and suggested more wildlife studies be completed prior to permitting any helicopter skiing or expanding the area available for helicopter skiing. In order to address the uncertainty related to wildlife population distribution over the large geographic area analyzed, similar mitigation measures have been applied to all action alternatives. The mitigation measures are designed to ensure that helicopter skiing will have minimal impact on wildlife population, regardless of whether or not a specific population is present in a certain ski area.

There will always be a need to improve our wildlife knowledge base. In recognition of this need, the implementation of this decision will incorporate the findings and analysis of four ongoing studies, including mountain goat habitat modeling, brown bear den modeling, wolverine distribution and movement patterns, and spatial and temporal distribution of winter recreation (please see Appendix B). For example, these studies will be used to validate as well as make modifications to the mountain goat no-fly zones and bear and wolverine den sites.

Recreation Conflicts

This issue focuses on the concern that helicopter skiing creates conflicts with other winter recreationists. The winter environment on the Kenai Peninsula serves a wide variety of winter recreationists (e.g., ski touring, backcountry skiing, trapping, fishing, nature photography and snow machine use). Scoping indicates that some people are disturbed by hearing or seeing helicopters while they are involved in a recreational activity in a typically quiet setting. Concerns raised from these winter recreationists have common themes regarding potential conflicts with helicopter skiing:

- Existing conflicts between motorized and non-motorized users already exist, such as for competition for untracked snow.
- The sound/visibility of helicopter skiing detracts from the recreation experience of other winter recreationists.
- The safety of other winter recreationists can be compromised by helicopter skiing.

The issue of recreation user conflicts was an important consideration in our decision. Conflicts between motorized and non-motorized use is not unique to this project.

Indeed, travel management and access was an important issue during the revision of the Forest Plan (Revised Forest plan p. 2-9). As summarized in the analysis of the current management situation, “demand for recreation opportunities on the Chugach National forest is now greater than ever” (Revised forest Plan p. 2-11). In order to accommodate both motorized winter access (e.g. helicopter skiing and snow machining) and non-motorized access (e.g. cross-country skiing and snow shoeing) the Revised Forest Plan prescribes thirteen different prescriptions for winter access (Revised Forest Plan pp. 91 to 94). These prescriptions attempt to balance and accommodate the needs of both user groups. It was important to us to manage user conflicts within the goals and allowable uses outlined in these Revised Forest Plan prescriptions.

The Selected Alternative addresses winter recreation conflicts with helicopter skiing issues by:

- Authorizing use primarily within units located beyond the reach of other winter recreationists.
- Implementing timing restrictions in helicopter skiing units with the highest potential for winter recreation conflicts.
- Establishing flight paths to helicopter skiing units that minimize disturbance to other winter recreationists.

Most of the helicopter ski units are away from areas used by the majority of backcountry skiers and recreation conflicts are generally rated as low. However, in areas with higher potential for user conflict, the Selected Alternative utilizes timing restrictions in the West Bench Peak, Mid Seattle Creek, and East Seattle Creek. West Bench Peak will be closed to helicopter skiing on Fridays, Saturdays, and Sundays. Mid Seattle Creek and East Seattle Creek will be closed to helicopter skiing from Monday through Thursday. The timing restrictions give other winter recreationists a more remote geographical area to ski at all times without helicopter activity. For example, other winter recreationists who desire to recreate in a more remote geographic areas could utilize the East Seattle Creek during the week and West Bench Peak on the weekends. In addition, the continued use of the “heli-ski hotline” will help mitigate recreation conflicts by providing the public with advance knowledge of where CPG intends to operate.

Flight paths will also help reduce user conflicts. CPG will not fly over the east side of Turnagain Pass, the area with the highest non-motorized backcountry ski use. The travel corridor restrictions near Exit Glacier and designated flight paths along the Resurrection River Valley, Snow River and from East Twentymile unit to the Placer/Skookum unit have also been designed to mitigate most impacts to other winter recreation users.

The safety of CPG’s operation is also a major concern and is evaluated by the Forest Service through their annual Safety and Operating Plan. We have included a mitigation measure that requires that CPG’s helicopters not to land above, or not to ski onto an avalanche path above any observed backcountry user. Increasing the geographic areas available to CPG will also allow more flexibility to choose the safest areas to ski based on local snow stability and weather conditions.

Impacts on Communities

This issue focuses on how helicopter skiing will impact project area communities. Lifestyles of some rural residents and communities can be negatively impacted by

increasing helicopter use. Other communities may enjoy the increase in recreation opportunities as well as the beneficial economic impacts.

The lifestyle issue focuses on sound and visual impacts in communities within the project area. The noise and visual disturbance of concentrated helicopter operations can affect the quality of life for residents in Cooper Landing, Girdwood, Hope, Moose Pass, Seward, and Sunrise. Our Selected Alternative is sensitive to this issue. It eliminates those units which would have the greatest impact on local communities—West Seattle Creek, West Moose Creek, and West Ptarmigan. It also eliminates Mile 33.2 gravel Pit Staging Area near Moose Pass. While these changes will not eliminate all of the effects of helicopter noise to local communities, we attempted to substantially mitigate them.

Although the FEIS describes that there is only a slight chance of helicopters being seen or heard, we recognize the limitations of noise modeling as well as the strong feelings expressed regarding the noise and visual analysis. Additional measures were taken last winter, following release of the DEIS, to conduct further noise and visual analysis. On April 14, 2004, the Forest Service conducted a noise test flight in the exploratory areas near Moose Pass. The test flight used landings and travel corridors in a similar pattern to what would be conducted during actual operations. Members from the Forest Service and the Moose Pass community monitored noise and visual impacts at six observation points along the Moose Pass community corridor from Mile 31.5 at the Trail Lake Hatchery to Mile 16 at Snow River Hostel. No visual or noise impacts were recorded. While this analysis was only a one-flight, one-time effort with recognized limitations, it was an important step in validating the information in the DEIS.

Despite the results from the test flight, we do not feel we have enough information or monitoring results to respond to CPG's request to include a portion of West Moose Creek in the Selected Alternative. Although helicopter activity in this area could not be seen or heard in this area during the test flight, this area remains the closest in proximity to Moose Pass and has the highest potential for disturbance as described in the FEIS (Table 4-2). More monitoring information is needed from helicopter activity in the exploratory areas, therefore the West Moose Creek unit is not included in this decision.

We have taken two additional steps to respond to the concerns about impacts to communities. First, the Selected Alternative will not issue a special use permit for the Snow River and Ptarmigan areas pending completion of and consistency with the Kenai Forest Plan Amendment. During public involvement on this and other projects in close proximity to Moose Pass and Seward—these two geographic areas have been highlighted for their unique and undeveloped backcountry qualities. We believe this decision is consistent with other Forest Service decisions to maintain management options in these areas until the Kenai Forest Plan Amendment is complete. This amendment will allow for further public involvement on motorized and non-motorized issues in the Seward and Moose Pass areas. The second implementation step will be the use of a temporary permit in the exploratory areas with full concurrence and signature by the local and respective District Ranger. We believe this approach allows the Forest Service the most flexibility to respond to local concerns during implementation. Issuance of temporary special use permits will allow our agency to conduct further monitoring in exploratory areas and greater flexibility to make

modifications in use levels, flight paths and use areas. The project monitoring and implementation plan can be found in Appendix B. The decision to convert temporary client days to priority client days in the these exploratory areas will be based upon the results of the implementation and effectiveness monitoring plan, consistency with the Kenai Forest Plan Amendment, and at the discretion of the Seward District Ranger.

We are aware that the majority of economic benefits from helicopter skiing will occur in communities with developed recreation infrastructure such as Girdwood. As prescribed in the Revised Forest Plan, our desired condition is to provide a spectrum of recreational opportunities supported by special use permits to a variety of businesses supporting recreational opportunities (Revised Forest Plan p. 3-14). By balancing community concerns with potential growth in helicopter skiing economic benefits, we are striving to meet regional guidance:

“to meet the demand for a diverse array of quality recreational opportunities [and] to enhance the health, stability, quality of life, economic vitality and adaptability” of these forest dependent communities” (R10 Regional Emphasis Areas, January 2003, pp. 2-10).

Public Involvement

Public involvement has been instrumental in the identification of issues for this project. It has been helpful in formulating the alternatives and has assisted us in making a more informed decision regarding helicopter skiing on the Kenai Peninsula. Public meetings, Federal Register notices, newspaper releases, and group and individual meetings were used to solicit input for this project.

Scoping began in October 2002. A notice describing the proposal, outlining the NEPA review process, and inviting comment was distributed to media outlets, agencies, groups, and individuals. A total of eight public meetings were held at Girdwood, Seward, Moose Pass and Hope (two at each location). The Districts received 221 comment letters or e-mails from federal and state agencies, organizations and individuals.

The proposed action has also been listed in the Chugach National Forest Schedule of Proposed Actions (SOPA) publications, distributed quarterly to approximately 300 interested parties.

A Notice of Intent to prepare an EIS was published in the Federal Register on May 15, 2003.

A Draft EIS was released to the public on January 23, 2004. Nearly 100 comment letters were received. Over 225 substantial comments were identified. These comments and our response appear in FEIS, Chapter 5. A number of comments noted the potential for community impacts in the Moose Pass area. Based upon these concerns, the community of Moose Pass hosted two community additional meetings with invitations to decision makers and members of the interdisciplinary team. The purpose of these meetings was to allow community residents a chance to express their concerns

specific to the preferred alternative. One result of these meetings, was the additional noise impact monitoring in the Moose Pass area conducted on April 14, 2004.

The FEIS has been filed with the Environmental Protection Agency and is available for public review.

Alternatives Eliminated from Detailed Study

Six alternatives were considered for the DEIS, but were not carried forward as alternatives. These alternatives and the reasons for not considering them are discussed below.

CPG's Original Proposal

This alternative was submitted by CPG on June 24, 2002 with their application for a five-year special use permit for guided helicopter skiing. This alternative was not carried forward because the proponent made modifications to the proposal to reduce user conflicts and impacts to communities. These modifications include moving the boundary of the East Moose Creek unit, placing a timing restriction on the West Bench Peak unit, and changing the staging areas from Trail Lake to Mile 33.2 and Mile 14 to Mile 12.4. These modifications have been incorporated into Alternative 2, the modified proposed action.

Alternative A

This alternative was developed to address the number of takeoffs/landings in Girdwood. This alternative included fewer takeoffs and landings than the 30 cycles in the proposed action. Elements of this alternative have been incorporated into Alternative 9. For example, Alternative 9 would only allow 24 takeoffs/landings from the Girdwood Airstrip.

Alternative B

This alternative was developed to mitigate mountain goat impacts using a 1,000-meter buffer. This alternative differs from the proposed action, which outlines a 500-meter buffer. This alternative was eliminated from detailed study because it excludes flights to and landings in most of the proposed use area. Furthermore, the amount of "unbuffered" non-goat habitat would not have been adequate to support a viable heli-skiing operation.

Alternative 6 - Reduced Noise and Social Impacts

This alternative was developed by the Interdisciplinary Team to emphasize a reduction of the noise and social impacts in the community of Moose Pass. No use would be permitted in West Bench Peak, West Seattle Creek, East Seattle Creek, West Moose Creek, East Moose Creek, West Ptarmigan, and East Ptarmigan. In addition, there would be no staging area at Mile 33.2.

Through public comment, CPG responded that since only the Snow River and Mt. Ascension units would be available for their use on the southern end of the project area and so little skiing is planned in these units, it would not be viable to operate in these exploratory units. Therefore, Alternative 6 was eliminated from detailed study, and

Alternative 5 was modified to include the significant features in Alternative 6 to reduce user conflicts and community impacts.

Alternative 7

This alternative was developed by the Interdisciplinary Team to minimize the cumulative effects on wildlife in the heavily used motorized use areas. In this alternative, helicopter-skiing would not be authorized in East and West Moose Creek and East and West Ptarmigan units. This alternative was eliminated from detailed study because there are no additional cumulative effects on wildlife that are not already addressed by the mitigation measures developed for all alternatives.

Alternative 8

This alternative was developed by the Interdisciplinary Team to address noise concerns in the community of Moose Pass. This alternative addressed this issue by excluding the exploratory units. It was eliminated from detailed study because Alternatives 4 and 9 incorporate this design, and do not include the exploratory units.

Alternatives Selected for Detailed Evaluation

Six Alternatives are evaluated in the FEIS, including a No-Action Alternative. The five action alternatives differed from each other in various components, including the total allocation of client days, the number of available helicopter skiing units, the number of landings permitted at each staging area, and implementation of timing restrictions on helicopter skiing units:

- **Alternative 1 - No Action.** Under the No Action Alternative, the Forest Service would not issue CPG a special use permit for guided helicopter skiing.

We did not choose Alternative 1 for implementation because it does not respond to the purpose and need to provide helicopter skiing opportunities, nor would it provide a viable, safe, and high quality recreation experience. This alternative would not help achieve Forest Plan desired conditions and would not meet Management Area goals.

- **Alternative 2 - Proposed Action.** This alternative is the applicant's modified proposal for a five-year helicopter skiing permit. This alternative would implement 1,800 client days within core units (159,100 acres) and 600 client days within exploratory units (179,100 acres). Seven staging areas (five on non-National Forest lands, two on Chugach National Forest) would be approved with a maximum of 30 takeoffs/landings per day at each staging area.

We did not select Alternative 2 because it has the highest potential for community and recreation user conflicts. This alternative was not responsive to the community values we heard expressed in public scoping and from comments we received on the Draft EIS

Alternative 2 has a higher potential than the Selected Alternative for recreation user conflicts. Alternative 2 does not implement timing restrictions in the Seattle Creek area. In addition this alternative includes the staging area at Mile 33.2, located less than a 1/8 of a mile from Carter Lake Trailhead. Recreation users who utilize the Carter Lake Trailhead at the same time as a helicopter using the staging area would be highly impacted by the noise and exhaust of the helicopter for a short time.

Alternative 2 also has a higher potential for community impacts. Alternative 2 contains two geographic areas, West Ptarmigan and West Moose Creek that are in close proximity to Moose Pass. Analysis in the FEIS describes that there would be 153 acres of use in the foreground and 2,811 acres in the middle ground view-shed of Moose Pass (FEIS, Table 4-2). Alternative 2 also contains a staging area at the mile 33.2 gravel pit. For those residents living near the staging area or this travel corridor, the helicopter sound would be loud and there would be a high chance of seeing a helicopter (FEIS p. 4-27). We decided that these potential and known impacts would negatively impact community values, particularly in the Moose Pass area.

- **Alternative 4 – Permitted Use level for 2003/2004.** This alternative maintains the 2003/2004 permitted helicopter skiing use level (1,200 client days) and geographic area (159,100 acres). This alternative would not expand helicopter operations adjacent to the communities of Moose Pass, Seward, Sunrise or Hope. In addition, this alternative would not expand helicopter operations into areas with potential user conflict, such as East and Mid Seattle Creek. However, this alternative does include helicopter skiing in the Bench Peak Area. Therefore user conflicts are addressed in this alternative by timing features in the West Bench Peak area. A total of three staging areas would be approved (one on National Forest, two on non-National Forest locations)

We did not select Alternative 4 for the same reason as Alternative 9, below.

- **Alternative 9 – Reflects 2000-2002 Level of Use.** This alternative was developed in response to comments received during public scoping which desired a reduction of the existing (2003) helicopter-skiing activity. This alternative reflects use levels during the period 2000-2002 (800 client days), but would authorize a five-year permit. Some areas permitted in 2002 and prior years are no longer available for helicopter skiing under the Revised Forest Plan. To compensate for these reductions, adjacent areas that are available for helicopter skiing and were analyzed and permitted in 2003 were added to this alternative. The alternative analyzes 800 user days in core units only (104,700 acres). Three staging areas would be approved (two on non-National Forest lands, one on Chugach National Forest).

Alternatives 4 and 9 were not selected because they do not fully respond to the purpose and need of this project. Although they allow a limited amount of helicopter skiing, they do not address the growing demand for this service. Based on use levels described in the FEIS (Table 3-2), guided helicopter use on the

Kenai Peninsula has ranged from a low of 231 days in 1997 to a high of 1029 days in 2002.

We believe that limiting helicopter use to the existing core area would not allow for potential growth or long term viability of the operation. As described in the FEIS, the amount of client days available in Alternatives 4 and 9 would be marginal or less than adequate to achieve financial viability (FEIS p. 4-35). The financial viability of the operation is important for several reasons. It will provide a high quality recreation experience on National Forest lands by allowing for the greatest opportunity for hiring operationally experienced guides, keeping helicopter equipment well maintained and an overall safely provided recreational experience. It also allows for economic benefits to forest dependent communities associated with helicopter skiing operation.

- **Alternative 5 - Minimize User Conflicts.** User conflicts are addressed in this alternative by eliminating use areas and reducing use levels, as compared to the timing features utilized in other alternatives. This reduction, in both numbers and geographic areas, was designed to reduce the chance of motorized/non-motorized interaction. A total of 1,800 Client Days would be approved with 1,500 in core units (135,000 acres) and 300 in exploratory units (96,000 Acres). This alternative would authorize use of six staging areas (four on non-National Forest lands, two on Chugach National Forest).

Alternative 5 was not selected because it does not respond fully to the purpose and need of providing viable, safe and high quality helicopter skiing experiences. The proponent has stated that the North Bench Peak unit is essential to the helicopter ski operations from an economic and logistical stand point. Without this unit, the ability to viably operate in the Bench Peak, Grandview and East Moose Creek units is seriously hampered, thus reducing the overall viability of the business. The reduction in the number of units also reduces the amount of acreage that is available to provide high quality skiing through differing weather patterns and seasonal snow changes.

Alternative 5 also takes a different approach to managing user conflict than the Selected Alternative. The Selected Alternative manages user conflict with timing restrictions in areas with high potential for both guided helicopter and non-motorized backcountry use, including East Seattle Creek, Mid Seattle Creek and West Bench Peak. Timing features include a week day (Monday through Thursday) restriction on helicopter skiing on the East Seattle and Mid Seattle units, and a weekend restriction (Friday through Sunday) in the West Bench Peak unit. During public scoping, these areas were specifically identified as popular and accessible by non-motorized users. Alternative 5 reduces user conflicts by eliminating areas where potential conflicts would most commonly occur. However, timing restrictions in the Selected Alternative allow both motorized and non-motorized use and they help implement the allowable uses identified in the Revised Forest Plan. The timing feature is included to separate and accommodate both user groups.

Environmentally Preferred Alternative

Alternative A, No Action is the environmentally preferred alternative. The definition of environmentally preferred is the alternative that causes the least damage to the biological and physical environments, and which protects and preserves, and enhances historic, cultural, and natural resources. Of the action alternatives, Alternative 9 is the environmentally preferred alternative because it would involve the least amount of helicopter skiing acreage, landings, and client days, and hence result in the least negative impacts to wildlife, other winter recreationists, and communities.

Planning Record

The Planning Record for this project includes the DEIS, FEIS, Revised Forest Plan, Regional Guide, materials incorporated by reference and material produced during the environmental analysis. The project record is available for review at the Glacier Ranger District during regular business hours.

Monitoring

A monitoring program is the process by which the Forest Service can evaluate whether the resource management objects of the final environmental documents have been implemented as specified and whether the steps identified for mitigating the environmental effects are effective. The monitoring program for this decision includes helicopter use, wildlife and social and human use monitoring (please see Appendix B). The Forest Service will conduct these monitoring items through partnership with other agencies, with community involvement and through on-site inspections.

If the Forest Service finds that the mitigation measures are not effective in their intent, additional requirements, limitations, or additional mitigation measures may be developed and incorporated as stipulations into the special use permit. Specifically, implementation of this decision will incorporate the findings and analysis of four ongoing studies, including mountain goat habitat modeling, brown bear den modeling, wolverine distribution and movement patterns, and spatial and temporal distribution of winter recreation (please see Appendix B). These studies will be used to validate as well as to make any necessary modifications to the mountain goat no-fly zones and bear and wolverine den sites.

As described in the decision, authorization to continue to use the new exploratory units in subsequent years will be dependent upon actual use levels, the amount of disturbance to nearby communities, and other monitoring and implementation requirements. This monitoring will include social impact monitoring of the Moose Pass Community (see Appendix B).

Findings Required by Law, Regulation, and Policy

Consistency with the Forest Plan and the National Forest Management Act. The Chugach National Forest Revised Land and Resource Management Plan (Revised Forest Plan, May 2002) establishes management direction for the Chugach Forest. The Revised Forest Plan represents an agreement with the public on the management and use of the Chugach National Forest. It is a negotiated understanding with a variety of individuals, organizations, agencies, and Alaska Natives who represent a wide variety of opinions, values, and beliefs. The responsibility we have to implement the desired conditions and goals in the Forest Plan are key elements in our decision. In general, the goals and standards of the Revised Forest Plan require us to balance a variety of resources and interests in managing these lands.

Specific Management Area (MA) direction from the revised Forest Plan further guides our decision. This management direction is achieved through the establishment of Forest goals and objectives, standards and guidelines, and 21 different Management Area prescriptions and accompanying standards and guidelines. MAs affected by this project are described in the FEIS on pages 1-8. Project implementation consistent with this direction is the process by which we move toward the desired condition described by the Revised Forest Plan. The Selected Alternative is consistent with Forest Plan direction. The primary Revised Forest Plan allocation is backcountry management (Forest Plan 4-34). The theme of backcountry management areas is to emphasize a variety of recreational opportunities in natural appearing landscapes. The skiing units are also located within areas open to motorized, helicopter use. Implementation of this decision will not require any amendments to the Revised Forest Plan.

ANILCA Section 810, Subsistence Evaluation and Finding. The effects of this project have been evaluated to determine potential effects on subsistence opportunities and resources. There is no documented or reported subsistence use that would be restricted as a result of this decision.

Bald Eagle Protection Act - Management activities within bald eagle habitat will be in accordance to a Memorandum of Understanding (2/26/02) between the Forest Service and the U.S. Fish and Wildlife Service.

Clean Water Act - The project design is in accordance with Forest Plan standards and guidelines, Best Management Practices, and applicable Forest Service manual and handbook direction. The project activities are expected to meet all applicable State of Alaska water quality standards.

Clean Air Act - Emissions anticipated from the implementation of the Selected Alternative would be of short duration and would not be expected to exceed State of Alaska ambient air quality standards (18 AAC 50).

Coastal Zone Management Act of 1972, as amended - The Coastal Zone Management Act requires the Forest Service, when conducting or authorizing activities or undertaking development directly affecting the coastal zone, to ensure that the activities or development be consistent with the approved Alaska Coastal Management program to the maximum extent practicable. In accordance with Section 302 of the "Memorandum of Understanding between the State of the Alaska and the USDA Forest Service, Alaska Region, on Coastal Zone Management Act/Alaska Coastal Management

Program Consistency Reviews (FS Agreement No.00MOU-111001-026, effective March 2,200), this decision does not require a consistency determination with the Coastal Zone Management Act.

Endangered Species Act - Biological evaluations were completed for threatened, endangered, proposed, and sensitive plant and animal species. No threatened or endangered plant or animal species would be affected by this activity.

Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended - The Magnuson-Stevens Fishery Conservation Act (the Act) requires that all federal agencies consult with the National Marine Fisheries Service (NMFS) when any project "may adversely affect" essential fish habitat (EFH). The Act also requires that agencies with existing consultation processes contact NMFS to discuss how the existing processes can be used to satisfy the EFH consultation requirements (50 CFR 600.920(e)(3)). None of the activities will cause any action that may adversely affect EFH as defined by this Act.

Migratory Bird Treaty Act. There will be no impacts to migratory bird populations. We find that the Selected Alternative complies with the Migratory Bird Treaty Act.

National Historic Preservation Act of 1966 – Section 106 of the National Historic Preservation Act requires that all federal undertakings follow the regulations found at 36 CFR 800 to identify and protect cultural resources that are within project areas and which may be effected by projects. The Chugach National Forest will follow the procedures in the Programmatic Agreement among the Chugach National Forest, the Advisory Council on Historic Preservation, and the Alaska State Historic Preservation Office. A project-specific inventory of the activity areas has been conducted. Primarily because operations take place over snow, the project has been designed to avoid sites or mitigate the effects of the project on sites; therefore, the Selected Alternative will be consistent with the National historic Preservation Act, the American Indian Religious Freedom Act and the Native American Grave Protection Act.

Executive Order 11988 - Wetlands - Wetlands occur in the project area. However, design features such as an over-the-snow operation, will minimize the impact to wetlands in accordance with E.O. 11988.

Executive Order 11990 - Floodplains - Floodplains occur in the project area. However, design features such as an over-the-snow operation, will minimize the impact the impact to floodplains in accordance with E.O. 11990.

Executive Order 12962 - Recreational Fisheries - No major adverse effects to freshwater or marine resources would occur with implementation of this project.

Executive Order 13112 - Invasive Species - Invasive species populations have the potential to spread in the project area. Over the snow operations will minimize the spread of invasive species in accordance with E.O. 13112.

Executive Order 12898 - Environmental Justice - Implementation of this project is not anticipated to cause disproportionate adverse human health or environmental effects to minority or low-income populations.

Implementation

Implementation may occur on, but not before, five business days from the close of the appeal filing period if no appeal is received. The appeal filing period closes 45 days after publication of legal notice of this decision in the Anchorage Daily News newspaper, published in Anchorage, Alaska. In the event an appeal is received, the decision may be implemented 15 days following disposition of the appeal.

Appeal Provisions

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

Regional Forester, Alaska Region
USDA Forest Service
P.O. Box 21628
Juneau, AK 99802-1628
E-mail: appeals-alaska-regional-office@fs.fed.us

Anyone who appeals must provide the Regional Forester sufficient narrative evidence and argument to show why the decision by the District Rangers should be remanded or reversed. At a minimum the notice of appeal must:

1. State that it is an appeal pursuant to 36 CFR 215.
2. List the name and address of the appellant and, if possible, a phone number.
3. Identify this decision, the Chugach National Forest "Commercially Guided Helicopter Skiing on the Kenai Peninsula ", the date it was signed, and the decision makers James Fincher, Glacier District Ranger and Debora Cooper, Seward District Ranger.
4. Identify the change or changes in the decision that the appellant seeks, or the portion of the decision to which the appellant objects.
5. State how the decision fails to consider comments previously provided, either before or during the comment period specified in 36 CFR 215.6, and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

The Notice of Appeal, including attachments, must be filed (regular mail, fax, e-mail, express delivery, or messenger service) with the Appeal Deciding Officer at the correct location within 45 calendar days of publication of the legal notice of this decision in the Anchorage Daily News, the newspaper of record for the Chugach National Forest. We anticipate publication on September 24, 2004. The publication date in the newspaper of

record is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Appeals submitted electronically, including attachments, must be in an electronic format compatible with Microsoft Word.

Hand delivered appeals will be accepted at the Regional Office, Federal Office Building, 709 W. 9th St. Juneau, AK during normal business hours (8:00 am through 4:30 pm) Monday through Friday, excluding holidays.

Implementation of decisions subject to appeal pursuant to 36 CFR part 215, may occur on, but not before, five business days from the close of the appeal filing period.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact Teresa Paquet, Glacier Ranger District, P.O. Box 129, Girdwood, AK 99587, phone number (907) 754-2314.

/S/JamesM.Fincher9/14/04

James M. Fincher
Glacier District Ranger

/S/DeboraCooper9/14/04

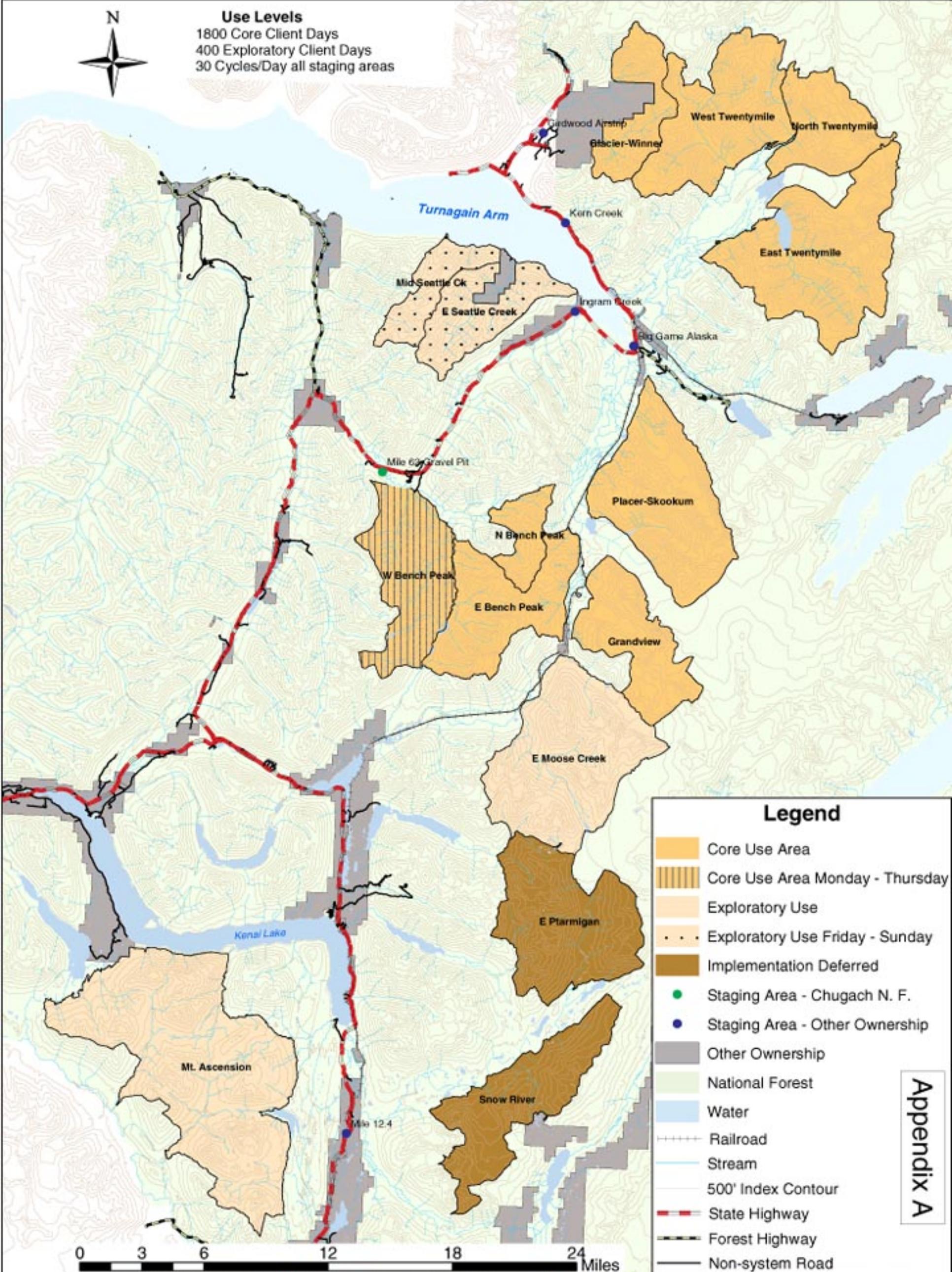
Debora Cooper
Seward District Ranger



Selected Alternative Kenai Peninsula Chugach National Forest



Use Levels
 1800 Core Client Days
 400 Exploratory Client Days
 30 Cycles/Day all staging areas



Legend

- Core Use Area
- Core Use Area Monday - Thursday
- Exploratory Use
- Exploratory Use Friday - Sunday
- Implementation Deferred
- Staging Area - Chugach N. F.
- Staging Area - Other Ownership
- Other Ownership
- National Forest
- Water
- Railroad
- Stream
- 500' Index Contour
- State Highway
- Forest Highway
- Non-system Road

Appendix A

COMMERCIALY GUIDED HELICOPTER SKIING ON THE KENAI PENINSULA

RECORD OF DECISION

Appendix B

Helicopter Activity Monitoring:

A. Monitoring Item: Helicopter Flight Paths

Protocol: The flight paths and elevation of helicopter operations will be monitored. An on-board Global Positioning System (GPS) will collect this spatial data. The electronic information will be provided to the Forest Service upon request. The Forest Service will compile an annual report that will include maps of flight paths.

Use of Information: The flight path information will be used to document helicopter operations outside of the no-fly zones. Flight path information will also be used to establish the spatial pattern of helicopter use and the overlap with other winter recreation activity and wildlife distribution (see wildlife monitoring and recreation use monitoring below). In addition, the flight path information will be used to determine compliance with the terms of the special use permit and the operating and safety plan.

Wildlife Monitoring

A. Monitoring Items: Goats and No-fly Zones

Protocol: An on-board GPS system will be used to assess flight paths. This data will be used to determine how effectively the permittee implements the no-fly zones. The flight path information will also be used to document helicopter operations outside of the no-fly zones.

Wildlife survey flights will also be conducted to validate actual mountain goat use in proximity to the no-fly zones described in this FEIS. As described in this FEIS no-fly zones have been established primarily through habitat modeling. The habitat modeling was developed using three years of observations from winter survey flights. Further validation and updates to the habitat model will be made. Actual goat presence/absence data will be modeled to provide probability of occurrence of goats across the eastern Kenai Peninsula and upper Turnagain Arm. The model will have confidence intervals and be statistically validated for its application across the entire analysis area.

Use of monitoring information: Flight paths or helicopter use areas may be adjusted based on how effectively the permittee implements the no-fly zones. Further goat habitat modeling and wildlife survey information will be used to validate the accuracy of these no-fly zones. Where survey or further modeling information confirms the presence or absence of goat populations, modifications to the no-fly zones will be made.

B. Monitoring Item: Distribution Brown Bear Denning Habitat

Protocol: Two models have been built to describe habitat variables conducive to brown bear denning. They are based on radio telemetry locations collected from denning brown bears during winters of 1995-2002. Using a statistical distance estimator (e.g., Mahalanobis distance) we modeled the similarity between sites used by denning bears and associated habitat layers across the analysis area. This model has been produced, presented in professional meetings, and is currently under statistical review. We anticipate the development of the final validated models to be complete December 2004.

Use of monitoring information: Based upon the extent of overlap between helicopter and other recreation use within denning bear habitat, further studies, monitoring protocol and mitigation may be established to determine behavioral impacts to denning bears.

C. Monitoring Item: Population Distribution Wolverine

Protocol: The existing study plan for wolverine surveys will be expanded. Aerial surveys were conducted in collaboration with biologists from ADFG, U.S Fish and Wildlife Service, and National Park service during the 2003 and 2004. This survey effort will be expanded to include the collaring of 6 wolverines. In 2005, we will collar individual wolverines and track their movements. Initial results from this wolverine movement study will be available in fall of 2005.

Use of monitoring information: This monitoring information will allow better understanding of wolverine home range and movement patterns on the Kenai Peninsula and their actual overlap with winter recreation activity. Based upon the extent of overlap between helicopter and other recreation use within wolverine habitat, further studies, monitoring protocol and mitigation may be established to determine behavioral impacts to wolverine.

Social and Human Use Monitoring

A. Monitoring Item: Spatial Distribution of Winter Recreation and Human Use Activities.

Protocol: The Seward and Glacier Ranger Districts will complete a monitoring survey of winter recreation and human use activities across the eastern Kenai Peninsula and Upper Turnagain arm (100% overlap with the analysis area). Survey methodology will include aerial surveys, parking lot counts and numbers reported by special use operators. Two years of winter survey work will be conducted. The project was initiated in 2003-04 and results will be available in 2006.

This project includes a specific evaluation of recreation overlap with wildlife by analyzing flight lines recorded by GPS transmitters as well as the permittee's reported use numbers. Data collection will continue through spring of 2005 and final results from this study will be available fall of 2006.

Use of monitoring information: This monitoring information will be synthesized with the wildlife monitoring items described above in order to evaluate the entire spectrum of existing winter recreation and its overlap with mountain goats, denning brown bears, and wolverines. Results from this work will allow Forest Service managers to continue to evaluate the potential cumulative effects of operations like guided helicopter skiing on these species. This information will also be used to evaluate the degree of interaction between winter recreation use and wildlife resources as well as the degree of overlap between guided helicopter skiing and other winter recreation uses.

B. Monitoring Item: Noise and Visual Impact.

Protocol: The Seward Ranger District will complete noise and visual surveys within the Moose pass community. This monitoring item will be similar to the survey work done last spring. The district will cooperate with members from the Moose Pass Community. Monitoring teams will record noise and visual observations from several different locations within the community. This monitoring item may occur randomly. The permittee will be required to give advance notice of operation in the Mount Ascension and East Moose Creek units in order to help facilitate this monitoring item.

Use of monitoring information: This monitoring information will be used to validate the noise and visual impacts described in the FEIS. Modeling of noise and visual impacts showed that there would be little helicopter noise and only a slight chance of seeing a helicopter. Should monitoring of noise or visual impacts indicate impacts greater than these levels, then flight paths or helicopter use areas will be modified.

C. Monitoring Item: Community Attitudes, Beliefs and Perceptions of Change.

Protocol: Community Attitudes, Beliefs and Perceptions of Change will be monitored by Alaska Pacific University, in cooperation with USFS and the community of Moose Pass. The monitoring will assess community attitudes towards implementation of guided helicopter skiing and the associated disturbance factors such as noise, traffic and visual impacts. The monitoring will also attempt to measure how the community perceptions change over time.

Use of monitoring information: This information will be used to help decision makers to monitor community impacts of project implementation. Monitoring information will also be used to help make decisions regarding implementation of guided helicopter skiing in the deferred areas of Ptarmigan and Snow River, as well as decisions related to priority versus temporary use.