

Data Submitted (UTC 11): 7/22/2019 11:00:00 AM
First name: Buck
Last name: Lindekugel
Organization: SEACC -Southeast Alaska Conservation Council
Title: Grassroots Attorney
Comments: SENT VIA FAX
July 22, 2019

Troy Heithecker,

Acting Forest Supervisor Tongass National Forest Ketchikan, AK 99901

objections-alaska-tongass@fs.fed.us.

re: objections to Corner Bay Administrative Facility Decommissioning Draft Decision Notice and Environmental Assessment

Acting Forest Supervisor Heithecker:

Objector's Name and Address: Southeast Alaska Conservation Council

2207 Jordan Avenue

Juneau, AK 99801

(907) 586-6942

buck@seacc.org

Project Name: Corner Bay Administrative Facility Decommission
and Stream Restoration Project

Responsible Official: J. Perry Edwards, Sitka District Ranger

Location: Corner Bay, Tenakee Inlet, Sitka Ranger

District Timeliness: Forest Service published notice of the Opportunity to Object to the DRAFT

Decision Notice and Environmental Assessment for the Corner Bay Administrative Facility Decommission and Stream Restoration Project in the Sitka Sentinel on June 5, 2019. The 45-day deadline expires today, July 22, 2019.

I. Conclusion that the alternative proposed by SEACC was "outside the scope of this analysis and would not meet the purpose and need for this project" is arbitrary and unsupported by analysis.

Unlike when approving a project proposed by a private applicant, here the Forest Service acts in the role of a proprietor. Consequently, the scope of alternatives available for consideration by the Forest Service is more wide ranging because the entire project is subject to the Forest Service's control and responsibility. While we recognize it is in the Forest Service's discretion to define the purpose of a proposed project, it is arbitrary to request public involvement in the scoping process and then decline to take a hard look at the results of that

ocess.

NEPA requires an agency to consider other reasonable courses of actions to the proposed action so the agency can meaningfully evaluate alternative means of accomplishing its goal. To conclude that the alternative proposed by SEACC during scoping is outside the scope of the proposal and would not meet the purpose and need for this project misinterprets the agency's responsibility under NEPA. Instead of using the collected scoping comments to refine the proposed action and identify all reasonable alternatives, the agency treated its proposed action as unalterable without taking a hard look at all the issues presented in SEACC's scoping comments.

II. Scoping process used for this project fails to follow current agency direction.

According to existing agency regulatory direction, the Forest Service requires scoping "for all Forest Service proposed actions, including those that would appear to be categorically excluded from further analysis and documentation in an EA or an EIS (citation omitted)." See 36 C.F.R. 220.4(e)(1). The Forest Service Handbook describes the scoping process as "an integral part of the environmental analysis." See FSH 1909.15_11 (WO Amendment, effective June 25, 2012). Importantly, "[s]coping includes refining the proposed action" Id. The Handbook cautions the agency to "[b]e alert for alternative suggested by participants in scoping and public involvement activities. Consider alternatives, even outside the jurisdiction of the Agency." Id., section 14 at p. 31.

Without analysis or explanation, however, the Responsible Official treated the agency's proposed action as fixed and preordained. While SEACC's alternative would not necessarily involve all components of the proposed action, such as the immediate removal of the Crew Housing building, existing log dam, or Road 75511, it includes those components relating to cleaning up the site, removing asbestos containing materials, and resetting the perched culvert. See SEACC's Scoping Comments (April 12, 2019). As a result, our proposed alternative reduces existing maintenance costs, responds to the District's highest culvert replacement priority and potentially reduces costs associated with future development of the site. Although the EA states the water system is nonfunctional, it provides no information on the scope of work and associated costs necessary to fix the systems. This information is necessary to evaluate the potential future value of this site as a cultural and healing center or even as a "smaller and/or temporary Forest Service housing facility." See EA at 1.

As the EA explained, even though the Crew House building "has been sold and removal is pending . . . it is possible the purchaser will not remove the building." EA at 1. The fact that the agency's Master Plan recommended decommissioning of the buildings and water and wastewater systems is immaterial because that plan was never subject to public review and comment. Consequently, because the agency is acting as the proprietor, nothing prevents it from using this scoping process to refine the project's purpose incrementally in response to scoping comments and evaluate alternative uses of this site in Corner Bay to address unresolved conflicts over uses of available resources in Tenakee Inlet. As noted in the attached letters of support from the City of Tenakee Springs and the Organized Village of Kake, the proposal to create cultural and healing center at Corner Bay has the potential to be "a win-win proposition" for Tenakee and the region. See Letter from Mayor Kennedy, City of Tenakee Springs to Sitka District Ranger

Edwards (July 21, 2019); Letter from President Jackson, Organized Village of Kake to Sitka District Ranger Edwards (July 22, 2019).

III. Conclusion

For the above reasons, SEACC objects to the DRAFT Decision Notice and accompanying EA for the Corner Bay Administrative Facility Decommission and Stream Restoration Project. We request the agency withdraw the proposed decision, refine its proposed action, consider the reasonable alternative proposed by SEACC in our scoping comments, and fully explain the agency's decision to accept or reject it.

Best Regards,

Buck Lindekugel

Grassroots Attorney

ATTACHMENTS - - -

CITY OF TENAKEE SPRINGS

Dan Kennedy MAYOR

July 21, 2019,

Mr. Perry Edwards District Ranger

P.O. Box 52

Tenakee Springs, Alaska 99841 Phone 907-736-2207

Fax 907-736-2249

United States Forest Service, Tongass National Forest, Sitka Ranger District 2108 Halibut Point Road

Sitka, AK 99835 pedwards@fs.fed.us

Re: Corner Bay Administration Facility Decommissioning

Dear Ranger Edwards:

We write from Tenakee to wonder why the alternative ideas proposed by the Southeast Alaska Conservation Council as an alternative in scoping comments on April 12th of this year were apparently not even considered in your draft decision on the Corner Bay Administration Facility decommissioning project.

It seems that the proposal to create a Cultural, Language and Healing center using the Corner Bay Facility and lands is a win-win proposition. Even if you determine that the entire facility should be removed, keeping the dam in place and avoiding decommissioning of the last section of road should save the Forest Service some money as well as reducing costs for future development of the

proposed Cultural Center.

We urge you to reconsider your plans and maintain the possibility of creating a Cultural Center on the developed site.

While not directly connected to the community of Tenakee Springs, we feel that such a center would be a positive addition to the Inlet and as such, a good thing for our community.

We strongly urge you to rethink your plans for the Corner Bay Facility and lands and avoid changes that will only cost the federal government more money and make development of a Cultural and Healing Center more expensive than need be.

Sincerely,.

Dan Kennedy,
Mayor, City of Tenakee Springs

Organized Village of Kake
P.O. Box 316 Kake, Alaska 99830-0316
Telephone 907-785-6471
Fax 907-785-4902/www.kake-nsn.gov
(Federally Recognized Tribal Government serving the Kake, Alaska area)
Mr. Penny Edwards District Ranger
July 22, 2019
United States Forest Service, Tongass National Forest, Sitka Ranger District 2108 Halibut Point Road
Sitka, AK 99835 pedwards@fs.fed.us

Re: Corner Bay Administration Facility Decommissioning & Stream Restoration Project

Dear Ranger Edwards,

We write from the Organized Village of Kake why the alternative ideas proposed by the Southeast Alaska Conservation Council as an alternative in scoping comments on April 12th of this year were apparently not even considered in your draft decision on the Corner Bay Administration Facility decommissioning project.

It seems that the proposal to create a Cultural, Language and Healing center using the Corner Bay Facility and lands is a win-win proposition. Even if you determine that the entire facility should be removed, keeping the dam in place and avoiding decommissioning of the last section of road should save the Forest Service some money as well as reducing costs for future development of the proposed Cultural Center.

We urge you to reconsider your plans and maintain the possibility of creating a Cultural Center on the developed site.

While not directly connected to the community of Kake, AK, we feel that such a center would be a positive addition to the Inlet and as such, a good thing for our region.

We strongly urge you to rethink your plans for the Corner Bay Facility and lands and avoid changes that will only cost the federal government more money and make development of a Cultural and Healing Center more expensive than need be.

Gunalcheesh,

Joel Jackson
President