



September 8, 2016

*Sent via electronic email to:* [objections-pnw-mtbaker-snoqualmie@fs.fed.us](mailto:objections-pnw-mtbaker-snoqualmie@fs.fed.us)

Forest Supervisor Jamie Kingsbury  
Objection Reviewing Officer  
Mt. Baker-Snoqualmie National Forest  
Attn. 1570 Appeals and Objections  
2930 Wetmore Ave.  
Everett, 98201

**Re: OBJECTION - Upper North Fork Nooksack River Access and Travel Management Project**

To Forest Supervisor Jamie Kingsbury:

WildEarth Guardians submits the following objection to the U.S. Forest Service's decision to select Modified Alternative B, a combination of the alternatives analyzed in the North Fork Nooksack Access and Travel Management Project Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA). In a draft Decision Notice and Finding of No Significant Impact (FONSI) to be signed by Mt. Baker District Ranger Erin Uloth, the Forest Service selected attributes of all alternatives, including maintaining as open major arterial roads and major spur roads to important recreational access points, and decommissioning 31 miles of closed roads and 7 miles of open roads on the Mt. Baker Ranger District of the Mt. Baker-Snoqualmie National Forest.

As required by 36 C.F.R. § 218.8(d), the lead objector's name, address, and telephone number:

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**1. Interests and participation of objecting party.**

WildEarth Guardians is a nonprofit conservation organization with offices in Oregon, Washington, and six other states. WildEarth Guardians has more than 160,000 members and supporters across the United States and the world. Guardians protects and restores wildlife, wild places, wild rivers, and the health of the American West. We submitted timely scoping comments on the project in a joint comment letter, participated in a public scoping meeting on February 18, 2016, and submitted

timely comments on the draft EA. WildEarth Guardians has organizational interests in the proper and lawful management of the forest road system and its associated impacts on the Mt. Baker National Forest's wildlife and wild places.

## **2. We support the Forest Service's efforts to create a resilient future road network.**

Identifying a resilient future road network is one of the most important endeavors the Forest Service can undertake to restore aquatic systems and wildlife habitat, facilitate adaptation to climate change, ensure reliable recreational access, and operate within budgetary constraints. And it is a win-win-win approach: (1) it's a win for the Forest Service's budget, closing the gap between large maintenance needs and drastically declining funding through congressional appropriations; (2) it's a win for wildlife and natural resources because it reduces negative impacts from the forest road system; and (3) it's a win for the public because removing unneeded roads from the landscape allows the agency to focus its limited resources on the roads we all use, *improving* public access across the forest and helping ensure roads withstand strong storms.

We are very encouraged to see the Forest Service considering the Mt. Baker Ranger District's road system on a watershed scale. We strongly support the agency's thoughtful, strategic approach to improving public access to the forest, reducing negative impacts from forest roads to water quality and aquatic habitats, and improving watersheds and forest resiliency by returning expensive, deteriorating, and seldom used forest roads to the wild.

## **3. Parts of the project identified for objection with statement of reasons in support of WildEarth Guardians' objection and suggested remedies.**

### **a. The Forest Service should seize this opportunity to identify the minimum road system.**

Subpart A of the agency's 2001 Roads Rule imposes a substantive duty on the forest to identify the minimum road system based on the Mt. Baker-Snoqualmie's travel analysis report, titled the Sustainable Roads Strategy. *See* USDA Forest Service, Mt. Baker-Snoqualmie National Forest Forest-wide Sustainable Roads Report (Dec. 2015) (Attachment A). WildEarth Guardians commented that the Forest Service should address its subpart A duties in this analysis of the North Fork Nooksack ATM. *See* WildEarth Guardians, Proposed Upper Nooksack Access Travel Management Environmental Assessment (March 7, 2016) (hereafter "Guardians' Comment"), pages 1-8. We applaud the Forest Service for using the Sustainable Roads Strategy to inform the proposed action. But the agency must go one step further to achieve compliance under subpart A.

The Forest Service's regulations state that based on the travel analysis process each forest "must identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands." 36 C.F.R. § 212.5(b)(1). The rules define the minimum road system as "the road system *determined to be needed* to meet resource and other management objectives . . ." *Id.* (emphasis added).

In its response to comments, the Forest Service notes that the statement of purpose and need includes a need to establish a “sustainable road system.” *See, e.g.*, EA at D-42.<sup>1</sup> The agency completed the analysis report required by subpart A, identified unneeded roads for decommissioning, and even incorporated the Watershed Condition Framework; the only remaining duty under subpart A is to identify the minimum road system.

The Forest Service states it will determine the minimum road system “once all NEPA is complete for the administrative unit . . . at the National Forest level.” EA at D-43. This approach is inconsistent with directive memoranda from the Forest Service’s Washington Office.<sup>2</sup> It is also illogical: this North Fork Nooksack NEPA analysis is based on specific facts demonstrating risks, benefits and demand for roads in the area, and the current process includes the public in the agency’s decision making. Deferring identification of the minimum road system to a later date improperly excludes from the NEPA process the determination of whether the resulting road system is “needed” pursuant to subpart A<sup>3</sup>, and improperly precludes the public from that decision. Deferring the decision also further unduly delays compliance with subpart A, which has been a Forest Service duty for more than 15 years. Currently there are only two watersheds on the Mt. Baker-Snoqualmie National Forest undergoing access and travel management projects, indicating that it will likely take many years before “all NEPA is complete for the administrative unit.”

Suggestion: The Forest Service should take this opportunity to identify its decision as the minimum road system for this watershed, based on the factors listed at 36 C.F.R. § 212.5(b)(1). Short of that, the Forest Service should provide a date-certain timeline for achieving compliance with subpart A.

**b. The Forest Service should consider decommissioning more roads to properly restore and protect the project area’s ecology from negative road impacts.**

Guardians commented that the Forest Service should consider unneeded roads for closure or decommissioning. Guardians’ Comment at 8-9. As forest road users and conservationists, we understand that a strategic reduction in road miles does not necessarily equate to a loss of access. Some roads are already functionally closed, either due to washouts, lack of use, or natural vegetation growth. Other roads receive limited use and are costly to maintain. It is our belief that resources can be better spent on roads providing significant access than to spread resources thinly to all roads. This is why we support the careful analysis and decision to decommission or close specific roads.

Based on current natural resource conditions, assessed risks from the existing road network, road densities across the landscape, the agency’s limited resources, and long-term funding expectations,

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<sup>1</sup> The Forest Service’s use of different terminology (i.e., “sustainable road system” in place of “minimum road system,” and “Sustainable Roads Strategy” in place of “travel analysis report”) confuses the public and the issues. The Forest Service should clarify its intent by using terminology consistent with its own regulations and policy directives. This also applies to the statement of purpose and need, which should be clarified to be consistent with the agency’s subpart A duties.

<sup>2</sup> *See, e.g.*, Memorandum from Leslie Weldon to Regional Foresters *et al.* on Travel Management, Implementation of 36 CFR, Part 212, Subpart A (Mar. 29, 2012) (“The next step in identification of the [minimum road system] is to use the travel analysis report to develop proposed actions *to identify* the [minimum road system].”) (emphasis added) (Attachment B).

<sup>3</sup> 36 C.F.R. § 212.5(b)(1) (“The minimum road system is the road system *determined to be needed* to meet resource and other management objectives,” “meet applicable statutory and regulatory requirements,” “to reflect long-term funding expectations,” and “to ensure that the identified system minimizes adverse environmental impacts”) (emphasis added).

we believe additional decommissioning is warranted. We commented that the Forest Service should prioritize road decommissioning to enhance landscape connectivity and ecological integrity based on, *inter alia*, benefit to species and habitats, addressing impaired or at-risk watersheds, and achieving route density standards. *Id.* at 8.

Multiple ESA listed species such as Puget Sound Chinook Salmon and Bull Trout depend on cold, clear water. Yet, sedimentation from high road densities and landslides has a considerable impact to salmonid spawning habitat in the Nooksack Basin. *See* Smith, C.J., Washington State Conservation Committee, *Salmon and Steelhead Habitat Limiting Factors in WRLA 1, The Nooksack Basin* (July 2002) (Attachment C). According to watershed analyses for Canyon Creek (1995), North Fork Nooksack (1995) and Middle Fork and South Fork Nooksack Rivers (2006):

There is a need for a reduction of sedimentation, landslides and other catastrophic failures associated with roads and human infrastructure. For those [roads] needed as part of the transportation system, there is a need for stabilized and/or upgraded roads and stream crossings to reduce the risk to riparian and aquatic conditions.

EA at 13. Mt. Baker-Snoqualmie's Forest Plan states that road densities should average no more than two miles per square mile in deer, elk, and mountain goat winter range areas. 1990 Forest Plan at 4-44. It directs the agency to "minimize open road density and wildlife harassment whenever possible." *Id.* at 4-69. And the Forest Plan notes that "[a]s funding levels vary, primary priority will be given to resource management and protection, with secondary priority given to user convenience." *Id.* at 4-68. Forest Service policy directs the forest to consider options for modifying the transportation system that would achieve desired conditions. *See* FSH 7709.55, Chapter 21.5.

Given existing road densities and the numerous adverse and cumulative impacts from roads identified in the EA, a proper analysis in the context of subpart A and consistent with the Forest Service's overarching roads policy is likely to conclude that additional reductions in road densities are in fact necessary. Failing to decommission additional roads to further reduce road densities is inconsistent with the Mt. Baker-Snoqualmie Forest Plan, violates the National Forest Management Act, and violates the Endangered Species Act.

Suggestion: Consistent with its Sustainable Roads Strategy, Forest Service policy, and the Mt. Baker-Snoqualmie Forest Plan, the Forest Service should consider decommissioning or closing more roads to reduce road densities and thereby better protect wildlife, wildlife habitat and water quality.

### **Conclusion**

WildEarth Guardians appreciates your consideration of the information and concerns addressed in this objection, as well as the information included in the attachments. Should you have any questions, please do not hesitate to contact us.

Sincerely,



Marla Nelson  
Rewilding Attorney



Marlies Wierenga  
Pacific Northwest Conservation Manager

### Attachment List

Note: The below documents are referenced in this objection and included as attachments to the electronic mail copy of the objection. These documents are part of the objection and should become part of the project record.

**Attachment A:** USDA Forest Service, Mt. Baker-Snoqualmie National Forest Forest-wide Sustainable Roads Report (Dec. 2015).

**Attachment B:** Memorandum from Leslie Weldon to Regional Foresters *et al.* on Travel Management, Implementation of 36 CFR, Part 212, Subpart A (Mar. 29, 2012)

**Attachment C:** Smith, C.J., Washington State Conservation Committee, *Salmon and Steelhead Habitat Limiting Factors in WRLA 1, The Nooksack Basin* (July 2002).