

December 17, 2018

Erin Uloth,
Mt. Baker District Ranger
Mt. Baker Snoqualmie National Forest
810 State Route 20
Sedro-Wooley, WA 98284
Submitted electronically to:

**Re: Roadless Rule Exception for Excelsior Mine Redevelopment Draft
Environmental Assessment**

Dear Ms. Uloth:

Washington Wild and The Wilderness Society submit these comments on the October 2, 2018 decision by Chief Christiansen to re-delegate decision-making authority to approve road building to access the Excelsior Mine. Specifically, we wish to bring to your attention an apparent error in the Chief's decision that is clearly inconsistent with the Roadless Area Conservation Rule (Roadless Rule), which prohibits road construction and reconstruction in Inventoried Roadless Areas, with certain exceptions.

The Chief's October 2 decision repeatedly refers to the proposed action as "road reconstruction." We first note that the draft environmental assessment for the Excelsior Mine Plan of Operations never refers to the proposed work on the non-system Upper Road as "road reconstruction." The Draft EA (p. 8) states, "In this particular plan of operations, there is no actual road construction or reconstruction proposed." Instead, the Draft EA contends that the proposal is to "use and maintain" the Upper Road on a temporary basis (e.g. p. 2). Similarly, the Mt. Baker Ranger District's March 8 Line Officer Certification memo and accompanying Briefing Paper and Roadless Frequently Asked Questions documents refer to the proposed road work as "use and maintenance."

The Chief's decision violates the Roadless Rule because the Rule does not provide an exception for road reconstruction of non-system, unclassified roads like the Upper Road. The Rule defines "road reconstruction" as "Activity that results in improvement or realignment of an existing classified road...." (36 CFR 294.11 [emphasis added]). The Rule defines "classified road" as "A road wholly or partially within or adjacent to National Forest System lands that is determined to be needed for long-term motor vehicle access, including State roads, county roads, privately owned roads, National Forest System roads, and other roads authorized by the Forest Service." (36 CFR 294.11). The Upper Road is described in the Draft EA as a "non-system road," (p. 2, 44) and as a "non-Forest Service temporary road" (p. 4), while the March 8 briefing paper and FAQ refer to it as "an existing non-system temporary road."

Clearly, the Upper Road does not meet the Roadless Rule's definition of a classified road. Therefore, none of the exemptions in the Roadless Rule for "road reconstruction" can apply to the Upper Road.

We suggest that you bring this error to the attention of the Chief or Regional Forester (since the Chief has now delegated approval authority for Roadless Rule exceptions to the Regional Foresters) and ask for a review and clarification of the decision in light of the fact that the Upper Road is not a classified road. Until such a review and clarification occurs, we believe that it would be inappropriate and potentially illegal to move forward with a decision to approve the proposed road work associated with the Excelsior Mine Plan of Operations.

Sincerely,

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CC: Jamie Kingsbury, MBSNF Forest Supervisor
Senator Maria Cantwell
Senator Patty Murray
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