



June 11, 2026

Erin Uloth
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Mt. Baker-Snoqualmie National Forest,
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Submitted electronically through comment portal at <https://www.fs.usda.gov/r06/mbs/projects/284163>

Re: 2025 Mt. Baker Geothermal Consent to Lease Draft Environmental Assessment Comments

Dear Ms. Uloth:

On behalf of the 14 undersigned organizations and the tens of thousands of forest users, Washington residents and federal taxpayers which they represent, we are submitting written comments on the 2025 Mt. Baker Geothermal Consent to Lease Draft Environmental Assessment.

Our organizations support efforts to responsibly develop renewable energy resources as the Northwest continues to wean itself off of non-renewable fossil fuels in an effort to do its part to mitigate climate change. We recognize that geothermal energy has important potential benefits in this regard as its development is now being pioneered here in Washington State.

However, we also feel strongly that renewable energy development is not appropriate everywhere, or at any cost. For example, areas that boast some of the last best wildlife habitat and connectivity or wild intact ancient forests are not compatible with geothermal development or even certain levels of exploratory drilling. In addition, landscapes where significant resources have been invested to restore watersheds for healthy fish populations and clean and safe drinking water significantly bias a cost/benefit analysis against development. The North Cascades bioregion along with the Greater Yellowstone bioregion is one of the largest contiguous areas of protected wildlife habitat in the lower 48 states and is home to some of the nation's most iconic and culturally important species like grizzly bear, wolverine and mountain goats that are particularly sensitive to noise and disturbance.

We understand that the consent to lease process which engages the Mt. Baker Snoqualmie National Forest as the surface land manager of the nomination area is a precursor to a separate NEPA process that the Bureau of Land Management will manage as the manager of potential subsurface leases.

We appreciate that the following areas have been removed from the project area because they are excluded from mineral leasing, either by Statute or Forest Plan direction (as described on Pg. 15 and 16 of the Draft EA).

- Mt. Baker Wilderness
- Recommended Wild and Scenic Rivers

- Mt. Baker National Recreation Area
- Sulphur Creek Botanical Area
- North Fork Nooksack Research Natural Area
- Mt. Baker Ski Area

Key Stipulations Identified in the Draft EA

We appreciate the Draft EA identifying several No Surface Occupancy (NSO) Stipulations as identified in Appendix C. All of the below NSO stipulations are consistent with our previously submitted (2015) and current comments on this issue:

No Surface Occupancy Stipulations

Old Growth Forests – *“MBS-BOT-01: No Surface Occupancy: to protect the character and biological diversity of old-growth forests, including areas known to contain survey and manage species”* (Draft EA, Pg. 32)

White Bark Pine Habitat – *“MBS-BOT-04: “No Surface Occupancy: to protect mature whitebark pine trees from removal and minimize the removal of seedlings and saplings in all Whitebark Pine habitat modelled as ‘suitable’ or ‘optimal’ by the USFS Region Six Whitebark Pine Maxent Class model.”* (Draft EA, Pg. 32)

Water, Riparian Areas & 100-Year Floodplains – MBS-BOT-05 & MBS-SOI-01: *“No Surface Occupancy: to protect the hydrologic and biologic features of water bodies, riparian areas, wetlands, playas, and 100-year floodplains”* (Draft EA, Pg. 33 & 37)

Historic Places - MBS-CUL-01: *“No Surface Occupancy: There should be no surface occupancy within the boundary of properties designated or eligible for the National Register of Historic Places, including National Landmarks and National Register Districts and Sites; and additional lands outside the designated boundaries to the extent necessary to protect values where the setting and integrity is critical to their designation or eligibility.”* (Draft EA, Pg. 33)

Tribal Places - MBS-CUL-02: No Surface Occupancy: *“As identified through tribal consultation and/or cultural resource surveys, there should be no surface occupancy within areas of important natural, cultural and archaeological values to tribes. This could include, but is not limited to, traditional cultural properties, sacred sites, burial sites and gathering areas”* (Draft EA, Pg. 33)

Riparian Reserves - MBS-AQU-01: *“No Surface Occupancy: within Riparian Reserves, to protect the critical functions of these areas.”* (Draft EA, Pg. 34)

Eligible Wild & Scenic Rivers - MBS-AQU-02 & MBS-REC-07 & MBS-SCE-05: *“No Surface Occupancy: within segments of rivers determined to be potentially eligible for Wild and Scenic Rivers status, including a corridor of 0.25 miles from the high-water mark on either side of the bank.”* (Draft EA, Pg. 34, 36 & 37)

Steep Slopes - MBS-AQU-03 & MBS-SOI-04: *“No Surface Occupancy: to protect the landscape on slopes in excess of 40% and/or soils mapped with high erosion potential (Class S8).”* (Draft EA, Pg. 34 & 38)

Visual Setting in Primitive Areas (MA1A) - MBS MBS-REC-02: *“No Surface Occupancy: to protect the viewshed and setting of primitive recreation areas in Management Area prescription 1A – Primitive Areas.”* (Draft EA, Pg. 35) and MBS-SCE-01: *“No Surface Occupancy: to protect the visual setting and maintain the visual integrity of “very high” (VQO Preservation) in Management Area prescription 1A – Primitive Areas.”* (Draft EA, Pg. 36)

High Recreation Use Sites - MBS-REC-04: *“No Surface Occupancy: For Developed Recreation Sites and Facilities and Dispersed Sites with high recreational use (typically occupied at least every weekend in the summer season).”* (Draft EA, Pg. 35)

Pacific Northwest Trail - MBS-REC-08: *“No Surface Occupancy: for the “PNT Planning Corridor”, 0.5 miles laterally on either side of the PNT.”* (Draft EA, Pg. 36)

Visual Setting in Public Developed Recreation Sites (MA3A) - MBS-SCE-04: *“No Surface Occupancy: to protect the visual setting and maintain the VQOs of Retention and Partial Retention prescribed to Management Area prescription 3A – Public Developed Recreation Sites.”* (Draft EA, Pg. 37)

Visual Setting in Heather Meadows (MA8B) - MBS-SCE-06: *“No Surface Occupancy: to protect the outstanding scenic qualities and maintain the VQO of Retention prescribed to Management Area prescription 8B – Heather Meadows.”* (Draft EA, Pg. 37)

Visual Setting Wildlife Resources in Mountain Goat Habitat (MA15) - MBS-SCE-07: *“No Surface Occupancy: to protect the unroaded wildlife and scenic resources and maintain the VQO of Preservation prescribed to Management Area prescription 15 – Mountain Goat Habitat.”* (Draft EA, Pg. 37)

Critical Habitat for ESA Listed Species - MBS-WLD-01: *“No Surface Occupancy: in designated or proposed critical habitat for listed species under ESA if it would adversely modify the habitat. For listed or proposed species without designated habitat, this stipulation would be implemented to the extent necessary to minimize or avoid adverse impacts. Mt. Rainier White-Tailed Ptarmigan does not currently have designated critical habitat, but No Surface Occupancy is recommended in modeled habitat due to the restrictions that would be in place for audio-visual disturbance and habitat disruption.”* (Draft EA, Pg. 38)

Remaining Concerns

I. Late Successional Reserves Should Be Applied a No Surface Occupancy Lease Stipulation

We were disappointed that the Draft EA did not apply a NSO stipulation to Late Successional Reserves (LSR) in the project area. The LSRs in the proposed area are dominated by stands that are over 427 years old.

This current EA departs from the 2010 Record of Decision on Mt. Baker Geothermal Leases which makes it clear that in the Mt. Baker District designated LSRs would carry an NSO lease stipulation:

“All lease areas are within the Baker Late Successional Reserve that is managed to recover populations of northern spotted owls and marbled murrelets. Surface occupancy would result in the destruction of critical habitat for both species. Therefore, within old-growth forests of all lease areas, no surface occupancy will be permitted.”¹

All of the nominated lands fall within the Late Successional Reserves Land Use Allocation, which have been mapped on the forest subsequent to the 1994 Northwest Forest Plan. These areas have been specifically identified as providing necessary old growth habitat for endangered northern spotted owls and marbled murrelets. LSRs are intended to identify areas of forests of various stand ages (ranging from early seral to those establishing late successional characteristics) with a goal of replenishing the majority of old growth forests that were lost to unsustainable old-growth logging practices prior to the establishment of the Northwest Forest Plan. We feel strongly that all LSRs should be given a No Surface Occupancy stipulation.

II. The Old Growth Forests No Surface Occupancy Lease Stipulation Should be More Clearly Applied on the Landscape

The Draft EA identifies a NSO stipulation to be applied to protect old growth forests in Appendix C under Botany (Pg. 32):

“MBS-BOT-01: No Surface Occupancy: to protect the character and biological diversity of old-growth forests, including areas known to contain survey and manage species” (Draft EA, Pg. 32)

We agree with the rationale and merit of this NSO stipulation, but it is not clear how this will be implemented. The botany report seems to suggest that it would only be applied to areas known to contain survey and manage species but often these studies are not done because of lack of funding and capacity. This methodology falls short of the main goal of the NSO stipulation as written, “to protect the character and biological diversity of old-growth forests.”

It does appear that all areas that under the Northwest Forest Plan Late Successional – Old Growth (LSOG) land use allocation have either been excluded from the proposal area or applied a NSO stipulation. This makes sense given that LSOG area were mapped under the Northwest Forest Plan to capture remaining old growth forests stands. This is the type of direct implementation that we would like to see for this NSO stipulation.

We know the Forest has stand age data developed by Jan Henderson (MBS fire history specialist) that can be used to identify an age marker representing old growth forest characteristics. If a stand age threshold for old growth characteristics was identified (i.e., more than 120 years or more than 160 years) then this NSO stipulation could be applied to protect old growth as it is intended.

We know from MBS Forest stand age data that the stand age for most of the “Allowed Surface Occupancy” sites are in the range of 427-726 years old. The great majority of these LSR stands are clearly past any threshold for establishing old growth characteristics. Therefore, this NSO stipulation must be revised to protect old growth forests as it is intended with a No Surface occupancy stipulation.

¹ Record of Decision for Mt. Baker-Snoqualmie National Forest Geothermal Leases (ROD 2010), pg. 4.

III. Inventoried Roadless Areas Should Be Applied a No Surface Occupancy Lease Stipulation

There are approximately 24,516 acres of inventoried roadless areas in the project area. These forest lands are protected under the 2001 National Forest Roadless Area Conservation Rule from new road construction and related timber harvest and development. These areas are also critically important for core wildlife habitat, sources of clean water and world class recreational opportunities.

The Draft EA proposed action does not provide a NSO stipulation for inventoried roadless areas. However, it does provide a “Roadless Area Stipulation” focused on a controlled surface use (CSU) for all roadless areas.

“The USFS manages approximately 24,516 acres of land in the project area that is designated as Inventoried Roadless Areas (IRAs). A non-discretionary CSU stipulation would be placed on any leases within NFS IRAs. Pursuant to the Roadless Rule of 2001, no new road construction, reconstruction or timber removal would be allowed in designated IRAs. If future legislation or regulation changes the roadless area designation, the CSU would be revised, subject to site-specific environmental review and design features or mitigation measures to protect IRA characteristics.”
(Draft EA, Pg. 41 & 42)

This Roadless Area stipulation of Controlled Surface Use the same as put forward in both the 2008 Programmatic EIS between the USFS and the BLM and the previous 2015 Consent to Lease EA on Mt. Baker Geothermal.

It is our understanding that the CSU stipulation allows the BLM and FS to require any future activity or development be modified or relocated from the proposed location if necessary to achieve resource protection. The project applicant will be required to submit a plan to meet the resource management objectives through special design, construction, operation, mitigation, or reclamation measures, and/or relocation. Unless the plan is approved, no surface occupancy would be allowed on the lease. Our understanding is that the intent of the CSU stipulation on roadless areas requires an operating plan to make sure that the planned activities will not violate the management plan set forth by the Roadless Rule.

We feel strongly that this CSU stipulation is insufficient for inventoried roadless areas and that an NSO stipulation should be applied instead. If the intent is to ensure that, “pursuant to the Roadless Rule of 2001, no new road construction, reconstruction or timber removal would be allowed in designated IRAs,” then an NSO stipulation would more clearly achieve that goal and not require valuable agency staff time to review and approve operating plans that may include new road construction.

Consider that Table 2 on Pg. 11 of the Draft EA lays out a summary of objectives and activities in each of four stages of geothermal development. In the first stage (Geothermal Resource Exploration) it clearly indicates that access roads are listed as an activity. The other three stages clearly rely on access roads as well. Because roadless areas do not have roads, building an access road for geothermal resource exploration would violate the Roadless Rule and constitute surface occupancy. Therefore, we believe an NSO stipulation (rather than a CSU stipulation) should be applied to all Roadless Areas.

Additionally, the stipulation must be revised to also recognize the existing 1990 forest plan direction (LRMP). that includes the direction for those Management Area Prescriptions, (MAs) that do not allow road construction (including MA 1A, MA 1B, MA 1C, MA 1D, and MA 15). For example, MA 1B, and MA 15 prohibit road construction (LRMP pages 4-158 through 4-168; 4-233 through 4-236). In MA 5B, the roads must not adversely impact the naturally appearing river corridors.

In conformance with Northwest Forest Plan (NWFP), the stipulation needs to reference that it is required that the portion of these roadless areas that occur in a Key I watershed be managed as roadless pursuant to the NWFP Aquatic Conservation Strategy. Since the northern part of the Allowed Occupancy areas, occur in Key I watershed (including the North Fork Nooksack and South Fork Nooksack drainages), new road building associated with Stage 1 (Geothermal Resource Development) or later stages would be prohibited. The Key I and II watershed direction states “Inside Roadless Areas-No new roads will be built in the remaining unroaded portions of the inventoried (RARE II) roadless areas.” (ROD, page C-7).

IV. Consult with Local Tribes Around Appropriate Identification and Implementation of Cultural Tribal Places NSO Stipulation

We appreciate and support the No Surface Occupancy (NSO) stipulation for important cultural areas for Tribes:

MBS-CUL-02: No Surface Occupancy: “As identified through tribal consultation and/or cultural resource surveys, there should be no surface occupancy within areas of important natural, cultural and archaeological values to tribes. This could include, but is not limited to, traditional cultural properties, sacred sites, burial sites and gathering areas” (Draft EA, Pg. 33)

It will be important for the Forest to have timely and proper government to government consultation with local Tribes (including the Upper Skagit Indian Tribe, Nooksack Tribe and Swinomish Tribe) to identify specific areas (as appropriate) where this NSO stipulation can be applied.

V. Please Indicate clearly that the Proposal Area does not include any Recommended (Suitable) Wild and Scenic Rivers

The Draft EA makes this clear in the recreation report (Pg 7) but not on Pg 15 and 16 of the Draft ES where it lists areas removed from consideration. Please include this information here as well.

In closing, we appreciate the opportunity to give substantive comments on the Draft EA. We hope that these comments both highlight the interest and investment in this area by a wide variety of organizations and help the agency to fully consider these incredible resources during this process.

Feel free to contact Tom Uniack, Conservation Director for Washington Wild directly, or on behalf of the undersigned organizations, at 206-633-1992 or tom@wawild.org.

Sincerely,

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CC: U.S. Senator Patty Murray (D-WA)
U.S. Senator Maria Cantwell (D-WA)
U.S. Representative Rick Larsen (D-WA02)