

Objection to 2025 Mt. Baker Geothermal Consent to Lease
Project #284163
Mt. Baker-Snoqualmie National Forest

Submitted by: Karl de Jong
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Submitted to: Objection Reviewing Officer
Project: 2025 Mt. Baker Geothermal Consent to Lease
Proposal Tracking Number: 284163
Unit: Mt. Baker Ranger District, Mt. Baker-Snoqualmie National Forest

Subject: Objection to 2025 Mt. Baker Geothermal Consent to Lease, Project #284163

I submit this objection as Karl de Jong, a Sedro-Woolley resident and member of the Sedro-Woolley City Council. I submit it in my individual capacity. I do not submit it on behalf of the City of Sedro-Woolley or the Sedro-Woolley City Council unless the City separately authorizes that position through its formal process.

I submitted timely written comments during the designated public comment period for this project. My prior comments addressed the scope of the consent-to-lease decision, future site-specific NEPA review, enforceable lease stipulations, water resources, Tribal consultation and cultural resources, local and regional agency coordination, recreation and access, cumulative and baseline conditions, and public transparency.

This objection is limited to issues raised in my prior comments and reflected in the Final Environmental Assessment, draft Finding of No Significant Impact, Appendix D response to comments, Appendix E changes, and supporting resource reports.

I do not object to geothermal energy as a resource. I also do not ask the Forest Service to reject the consent-to-lease framework. I object in part to specific wording and implementation gaps that should be corrected before the Finding of No Significant Impact and final decision are signed.

Requested resolution:

I respectfully request that the Reviewing Officer direct the Responsible Official to revise the Final EA, draft FONSI, and final decision notice to:

1. Replace overbroad “no environmental impact” and “no true action” language with language that more accurately states that this decision has no direct surface-disturbing effects but does have administrative effect;
2. Add a plain statement identifying the activities not authorized by this consent-to-lease decision;
3. Clarify the process for any waiver, exception, or modification of No Surface Occupancy, Controlled Surface Use, or Timing Limitation stipulations;

4. Strengthen future coordination commitments with appropriate Federal, State, Tribal, local, utility, water-right, emergency-response, and special-use entities;
5. Identify the baseline conditions and future review topics that should be addressed before any exploration, drilling, utilization, road, water-use, transmission, or other surface-disturbing proposal is approved.

Objection Issue 1: The Final EA and draft FONSI should distinguish “no direct surface-disturbing effects” from “no environmental impact on any resource.”

The Final EA states that the action of consenting to lease has no environmental impact on any resource because it does not include ground-disturbing activities. The draft FONSI similarly characterizes the proposal as an administrative analysis with no true action being taken.

That wording is too broad.

The record supports the conclusion that this consent-to-lease decision does not authorize present ground disturbance. However, the same record also shows that the decision has administrative effect. The Final EA states that the Forest Service is determining whether lands should be leased, leased with stipulations, or withdrawn from further consideration. It also states that the decision would authorize BLM to offer selected lands for competitive bid. The Final EA further states that lease stipulations are enforceable terms of the lease contract.

The supporting reports also rely on reasonably foreseeable development scenarios to identify later stages of geothermal activity, including exploration, drilling, utilization, reclamation, roads, well pads, pipelines, transmission lines, water use, and related infrastructure. That does not mean those later activities are approved now. It does mean the lease decision establishes the administrative framework within which later proposals will be reviewed.

Connection to my prior comment:

In my prior comment, I asked the Forest Service to state plainly what the current decision authorizes, what it does not authorize, and what later approvals would be required before any physical work occurs. I also asked the Forest Service not to allow a leasing-stage decision to become a practical commitment to future ground-disturbing development.

Reason for objection:

A statement that the decision has “no environmental impact on any resource” or involves “no true action” may create confusion. It could suggest that consent to lease is legally or administratively insignificant, even though the decision determines parcel availability, attaches stipulations, and allows BLM to proceed with competitive leasing. A more precise statement would better fit the record and reduce confusion in later review.

Requested remedy:

Revise the Final EA, draft FONSI, and final decision notice to state:

"The consent-to-lease decision does not authorize ground-disturbing activity and has no direct surface-disturbing effects. The decision does, however, determine parcel availability and establishes lease stipulations that will apply to future geothermal proposals. Any later exploration, drilling, utilization, road, water-use, transmission, or other surface-disturbing proposal will require separate site-specific review and approval before implementation."

Objection Issue 2: The final decision should plainly identify the activities not authorized by consent to lease.

The Final EA and Appendix D repeatedly state that future NEPA review will be required before ground-disturbing activity. That is helpful and should remain in the final record.

However, the final decision should state the point more clearly for lessees, agencies, Tribes, local governments, and the public. The supporting reports identify several future activity categories that may occur only if a lease is issued and a lessee later submits a proposal. These include road/access construction, drilling, construction of facilities and infrastructure, pipelines, transmission lines, sedimentation risks, flow changes, contaminant risks, water consumption, thermal pollution, wastewater discharge, injection, sumps or pits, and utility or special-use conflicts.

Connection to my prior comment:

In my prior comment, I specifically requested that the final EA and decision notice state that consent to lease does not authorize exploration drilling, production drilling, road construction, road reconstruction, vegetation clearing, water withdrawal, water discharge, pipeline construction, utility corridors, transmission facilities, staging areas, well pads, power generation facilities, or other ground-disturbing activity.

Reason for objection:

The record says future NEPA will occur, but the final decision would be stronger if it stated in one place what is not authorized now. That would reduce confusion and help future applicants understand the limits of the lease-consent decision.

Requested remedy:

Add the following statement to the final FONSI and decision notice:

"This consent-to-lease decision does not authorize exploration drilling, production drilling, road construction or reconstruction, vegetation clearing, water withdrawal, water discharge, geothermal-fluid injection, sumps or pits, pipeline construction, utility corridors, transmission facilities, staging areas, well pads, power generation facilities, or other surface-disturbing activity. Any such proposal requires later site-specific environmental review and approval before implementation."

Objection Issue 3: The final decision should clarify the review process for waiver, exception, or modification of lease stipulations.

The Final EA now includes a section on waivers, exceptions, and modifications. I appreciate that addition. It defines those terms and states that BLM, in cooperation with the Forest Service, can apply a waiver, exception, or modification to a stipulation.

The Final EA also states that stipulations are enforceable terms of the lease contract. That is an important clarification.

The remaining issue is process clarity. The Final EA and Appendix D do not clearly state what public notice, Tribal consultation, Forest Service review, or NEPA review would occur before a No Surface Occupancy, Controlled Surface Use, or Timing Limitation stipulation is waived, excepted, or modified.

This matters because the FONSI depends in part on the presence of those stipulations. The stipulations are not a minor administrative detail. They are the main tool the Forest Service uses to make lands available for leasing while protecting other resource values.

Connection to my prior comment:

In my prior comment, I asked the Forest Service to explain whether any No Surface Occupancy, Controlled Surface Use, Timing Limitation, or other stipulation may be waived, excepted, or modified later. I also asked the Forest Service to identify who may approve the change, what findings must be made, whether public notice is required, and whether additional NEPA review would occur before any waiver or exception.

Reason for objection:

The Final EA answers some of those questions, but not all. It identifies BLM's role and general standards for waiver, exception, or modification. It does not clearly state the review process that would apply before changing stipulations that protect riparian reserves, cultural resources, Tribal resources, recreation areas, steep slopes, roadless areas, wildlife habitat, water resources, or existing infrastructure.

Requested remedy:

Add the following clarification to the final decision notice or Appendix C:

"Before approving any waiver, exception, or modification of a No Surface Occupancy, Controlled Surface Use, or Timing Limitation stipulation, BLM and the Forest Service will document the basis for the change, complete the appropriate level of environmental review, and conduct appropriate Tribal consultation and public involvement where resources, treaty interests, cultural resources, water resources, recreation access, or other public interests may be affected."

Objection Issue 4: Future coordination commitments should be stated more clearly.

Appendix D responds to comments requesting future coordination with Tribes, BLM, Washington Department of Ecology, Washington Department of Natural Resources, Washington Department of Fish and Wildlife, Skagit County, Whatcom County, local emergency-response agencies, salmon-recovery entities, utilities, and affected local governments.

The response states that the Forest Service, as cooperating agency, “could ensure involvement” of these entities at the time future analysis occurs.

That wording should be strengthened.

The supporting reports show why coordination is not merely optional. The Hydrology Report identifies water rights within the project area, a City of Bellingham municipal watershed, the Mount Baker Ski Area water system, Baker Lake, Puget Sound Energy’s Baker River Hydroelectric Project, and the need to consult water-right holders before proposed geothermal extraction. The Lands and Special Uses Report identifies existing electric transmission lines, telephone lines, communication sites, Town of Glacier water distribution, Koma Kulshan hydroelectric facilities, Sandy Creek powerhouse, Rocky Creek diversion dam and penstocks, Baker Lake Dam and reservoir, and other special-use infrastructure.

Future proposals could also raise practical questions about road access, winter access, emergency response, wildfire response, spill response, traffic, communications, recreation access, water rights, and responsibility for public costs.

Connection to my prior comment:

In my prior comment, I asked the Forest Service to coordinate with affected Tribes, BLM, Ecology, DNR, WDFW, Skagit County, Whatcom County, local emergency-response agencies, salmon-recovery entities, utilities, and affected local governments before any future ground-disturbing proposal is considered.

Reason for objection:

The word “could” does not provide enough clarity for future review. The resource reports identify specific existing facilities, water uses, utility systems, municipal water interests, and hydropower infrastructure. The final decision should state that appropriate coordination will occur when a future site-specific proposal is submitted.

Requested remedy:

Revise the response and final decision language to state:

“During future site-specific review of any exploration, development, utility, road, water-use, transmission, or other surface-disturbing proposal, the Forest Service, as cooperating agency, will coordinate with appropriate Federal, State, Tribal, and local agencies, affected water-right holders, emergency-response agencies, utilities, and special-use authorization holders.”

Objection Issue 5: Future site-specific review should expressly include water-resource and aquatic-resource topics identified in the specialist reports.

The Final EA and supporting reports appropriately defer detailed analysis of specific future operations until a lessee submits a proposal. I do not object to that general sequencing.

However, the final decision should identify the water-resource and aquatic-resource topics that must be carried forward into any later site-specific review.

The Hydrology Report identifies potential future issues involving water quality, water quantity, instream flow, wastewater discharge, bank erosion, sediment, turbidity, geothermal-fluid contamination, thermal pollution, subsidence, groundwater flow disruption, water consumption, surface water, groundwater, thermal features, water rights, municipal watershed protection, and Baker Lake. The Fisheries Report identifies possible future effects from road/access construction, drilling, facilities, pipelines, transmission lines, sedimentation, in-water vibrations, changes to the quantity or timing of flows, and contaminants associated with equipment or facilities.

Connection to my prior comment:

In my prior comment, I asked the Forest Service to identify water withdrawal, drilling fluids, drilling muds, sediment control, stormwater management, groundwater effects, spill prevention, and waste handling as reasonably foreseeable issues that must be reviewed before any ground-disturbing proposal is approved.

Reason for objection:

The specialist reports identify these topics, but the final FONSI and decision notice should carry them forward in plain language. Doing so would help ensure that future proposals are reviewed against the same issues the Forest Service has already identified in its own record.

Requested remedy:

Add the following statement to the final FONSI or decision notice:

"Future site-specific review for any geothermal exploration or development proposal will address, as applicable, water withdrawal, groundwater use, instream flow, drilling fluids and muds, geothermal-fluid handling, injection, discharge, stormwater, spill prevention, sediment control, waste handling, thermal features, municipal watersheds, water rights, downstream water quality, fish habitat, and aquatic resources."

Objection Issue 6: The final decision should treat existing conditions as future site-specific review factors, even if it does not conduct a separate cumulative-effects analysis at this stage.

Appendix D states that cumulative effects analysis is no longer required by statute but may be undertaken if the responsible official finds that the analysis process requires it.

I understand that the Forest Service is applying current NEPA procedures and page limits. I am not asking the Forest Service to prepare a broad cumulative-effects analysis for a decision that does not authorize ground disturbance.

However, the final decision should preserve existing conditions and baseline resource concerns as future site-specific review factors. The supporting reports identify existing watershed conditions, Riparian Reserves, Tier 1 Key Watersheds, 303(d)-listed waters, water rights, municipal watershed infrastructure,

Baker Lake and related hydropower facilities, fish habitat conditions, road and trail conditions, existing utility and special-use infrastructure, and geologic hazards.

Connection to my prior comment:

In my prior comment, I asked the Forest Service to explain how geothermal leasing fits within existing conditions, including recreation pressure, hydropower infrastructure, roads, fish and watershed recovery needs, changing environmental conditions, and public-land management demands.

Reason for objection:

The Final EA should avoid the impression that existing conditions are irrelevant simply because detailed analysis of future operations will occur later. Those existing conditions are important to future site-specific review.

Requested remedy:

Add the following statement to the final FONSI or decision notice:

“Although this consent-to-lease decision does not authorize ground disturbance, future site-specific review should consider existing conditions relevant to the proposed action, including roads, hydropower infrastructure, municipal water supply, water rights, fish habitat, watershed recovery needs, recreation use, access constraints, utility corridors, special-use infrastructure, and other ongoing land-management demands in the affected area.”

Conclusion

I appreciate the Forest Service’s work to prepare the Final EA, draft FONSI, response to comments, and supporting resource reports. The record now contains useful clarifications, including enforceable lease stipulations, mapped stipulation categories, future NEPA review, and resource-specific reports.

My objection is limited. I ask the Reviewing Officer to direct targeted revisions before the FONSI and final decision are signed. These revisions would not require the Forest Service to reject geothermal leasing. They would make the decision clearer, more durable, and easier to administer.

The final record should make clear that consent to lease does not authorize ground disturbance, but it does have administrative effect. The final decision should also clearly preserve future agency discretion, identify what is not authorized now, clarify the review process for stipulation changes, require appropriate coordination during later site-specific review, and carry forward the water, aquatic, infrastructure, access, and baseline-condition issues already identified in the Forest Service’s own record.

Thank you for considering this objection.

Respectfully submitted,

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