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May 15, 2021

Jody Weil, Forest Supervisor
Mt. Baker-Snoqualmie National Forest
USDA Forest Service
2930 Wetmore Ave, Suite 3A
Everett, WA 98201.

RE: Objections to Project #57617, Deadhorse Road Relocation Project;
Mt. Baker-Snoqualmie National Forest; Mt. Baker Ranger District
Responsible Official: Gretchen V. Smith, District Ranger, Darrington Ranger District

Dear Ms. Weil,

On April 11, 2020, The Mt. Baker Group of the Sierra Club (herein referred to as the "Sierra Club") submitted a Public Comment on the USDA Forest Service (FS) March 2020 Draft Environmental Assessment of Project #57617, referred to herein as the "Original Comment Letter." The Sierra Club has now reviewed the FS's 2021 Environmental Assessment (EA) and the Decision Notice and Finding of No Significant Impact (FONSI) for the subject Deadhorse Road R3700 Relocation and offers the following objections.

First, the Sierra Club objects to the fact that the EA and FONSI refer to a number of documents which were not part of the documents provided to the public for comment, either during the 2020 comment period for the 2020 Draft Environmental Assessment, or during the 2021 comment period for the EA and the FONSI, although several of the documents referred to in the FONSI were provided in May 2021 after request to the Forest Service.

The missing documents, subsequently provided or accounted for, are the following:

1. Appendix A to the FS's Decision and FONSI, referred to on page 2 of the Decision as "attached", but not attached nor found on the Project website; Appendix A was provided to the Sierra Club and the project website after request. Appendix A was reviewed and the Sierra Club has no comment on Appendix A

other than to ask that the Wildlife Mitigation monitoring be performed by a Wildlife Biologist, as stated in the Wildlife Report, Updated 2021 (found on the Project Website), see page 9.

2. Draft Biological Opinion of the National Marine Fisheries Service, referred to on page 6 of the FS's Decision but not originally found on the Project website; after inquiry, the Sierra Club learned that there is no 2021 Draft Biological Opinion of the National Marine Fisheries Service and in fact the FS relied upon the National Marine Fisheries Service 2013 ARBOII Biological Opinion as referred to on page 6 of the Decision. A copy was provided to the Sierra Club, but given the short amount of time prior to the due date of the Objection, the Sierra Club has not been able to review this document. The Sierra Club reserves the right to comment on the NMFS 2013 ARBOII Biological Opinion as it impacts the subject project.

3. The FS also relied upon the US Fish and Wildlife 2013 Aquatic Restoration Biological Opinion (ARBO II), which was referred to on page 6 of the Decision. A copy was provided to the Sierra Club, but given the short amount of time prior to the due date of the Objection, the Sierra Club has not been able to review this document, and so reserves the right to comment on the USFWS 2013 ARBOII Biological Opinion as it impacts the subject project.

4. Draft Biological Opinion of the US Fish and Wildlife Service, referred to on page 6 of the FS's Decision as provided in February 2021, was not found on the Project website. After inquiry, the FS posted the Biological Opinion of the US Fish and Wildlife Service on the Project website. Given the short amount of time prior to the due date of the Objection, the Sierra Club has not been able to review this document. The Sierra Club reserves the right to comment on the 2021 Draft USFWS Biological Opinion as it impacts the subject project.

In addition, the Wildlife Report which was originally provided on the project website in 2020 was updated as of 2/2021. However, whatever wildlife report was available on the project website in 2020 is now no longer available, so the public cannot determine what information or data was actually "updated" as of 2/2021, and the Forest Service has not provided that information as requested.

Also, the Botany Report Draft 12/2/19, provided on the project website, is still in Draft form, with the word 'DRAFT' placed on all pages. Table 3.1 shows that 4 out of the 6 listed survey actions remained Outstanding or Not Started, and Section 7 and Section 8 state only "Enter Text Here."

The lack of transparency and failure to provide several of the critical documents which form the basis of the FS's decision making, and are specifically cited in the Decision, is a failure of the FS to comply with its obligation to involve the public in all aspects of decision making on the project. The public cannot thoroughly address impacts without all available documents. **Please address this objection.**

Second, the Sierra Club objects to the fact that the EA failed to address *any* of the specific Sierra Club comments in the Original Comment Letter dated April 11, 2020, particularly those comments that relate to non-compliance with existing management direction. Therefore, we copy each of our comments that we made in the Original Comment Letter below, in their original sequence. Then for each Original Comment, we provide the information required by 36 CFR 218.8(d)(5) for the subject objection:

- how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy;
- suggested remedies that would resolve the objection;
- supporting reasons for the reviewing officer to consider.

Objection #1:

Quote from Page 1 of the Original Comment Letter:

“The Sierra Club expects the Forest Service to maintain the highest level of forest practices in our national forest lands, especially to maintain or enhance habitats for wildlife, protect of water quality, allowing recreational use where consistent with those objectives. Activities such as building roads in roadless areas, cutting old growth trees, and degrading streams are not consistent with those objectives and must be avoided to the maximum extent.

The proposed action would result in a significant impact to old-growth forests and the wildlife species that depend on them, including threatened and endangered species. Any plan to reroute the road must minimize that impact (by direction), and mitigate for any unavoidable impacts. We believe these impacts could be significantly reduced or eliminated with the development of a new more benign alternative or alternatives. ...”

See specific **Objection # 7** below. We urge compliance with 1994 Northwest Forest Plan Appendix A: Standards and Guidelines (S&G) regarding the cutting of trees for road maintenance and cutting of any trees over 20” DBH in Late Successional Reserve (LSR), and we request that the Forest Service obtain approval from the Regional Ecosystems Office for the cutting of any trees greater than 80 years of age in LSRs. As discussed in Objection #7 below, 141 of the trees targeted for cutting are estimated to be between 120 and 200 years old.

Please address this objection.

Objection #2:

Quote from Page 1 of the Original Comment Letter:

- **“Relevant Standard and Guidelines. p 3.** *The proposed action for R3700 is inconsistent with the management goals for W&SR [Wild & Scenic River] which are noted in the EA to “Maintain recommended rivers and streams to protect their highest classification level until congress takes action.....” The preferred alternative is the most destructive of important outstandingly remarkable values that should include critical wildlife habitat for endangered species, old growth forests, and a generally undeveloped character of the river corridor.”*

The Forest Plan Standards & Guidelines of the NW Forest Plan on page 4-95 for Wild and Scenic Rivers states that management actions must “Maintain recommended rivers and streams to protect their highest classification level until Congress takes actions on preliminary administrative recommendation.” This provision discourages maximizing road construction, in terms of segment length and/or road standard (total width) within a river corridor that has been recommended for ‘scenic’ designation. **Please address this objection.**

The Wild and Scenic River Act furthermore requires that the management of recommended ‘scenic’ river corridors be managed so as to largely remain primitive with shorelines that are largely undeveloped. Constructing maximum width roads within a recommended river corridor appears to violate the spirit if

not the intent of Congress. **Please address our objection to the non-compliance with provisions of the Wild and Scenic Rivers Act. See 16 U.S. Code § 1273(b)(2).**

The highest Visual Quality Objective (“VQO”) classification is Preservation. This VQO allows ecological changes only. Management activities, except for those with a very low visual impact, are prohibited.

For Wild and Scenic Rivers, the “Classified Corridor” is “¼ mile foreground”, see page 4-93 Forest Plan S&Gs. Although the preferred alternative road location is 400 feet away from the Channel Migration Zone, the VQO requires a ¼ mile limit. Thus, the preferred alternative road location is within that prohibited zone for a recommended Wild and Scenic River. **Please explain how the proposed action complies with the VQO for this area.**

Objection #3:

Quote from Page 1 of the Original Comment Letter:

- ***“Project Need statement: p 3-4. The documented need appears to be driven by attempting to maintain access to recreation sites, avoidance of road reconstruction costs, and disruption to fish habitat caused by armoring. We find this statement to be overly narrow and **does not address the more comprehensive ‘costs’ of the project**, particularly as it relates the impacts to late successional habitat. Furthermore, there is **no quantitative statement of risk for washouts to the existing road, so urgency cannot be quantified.**”***

[Emphasis added to this Objection Letter, but not included in the Original Comment Letter]

We object to the implicit assumption that the risk for washouts in the project area is sufficiently high and imminent that a massive road reconstruction project is justified for this road segment. **Please quantify the ‘washout risk,’ including a detailed risk analysis, including all assumptions used therein, that drives this project forward.**

See Objection #7 regarding impacts to late successional habitat.

Objection #4:

Quote from Page 2 of the Original Comment Letter:

- ***“Proposed Action. p 7. To relocate the road requires heavy equipment, ‘significant tree removal’ and blasting. We find that the significant tree removal and its effects on late succession habitat are only addressed in the most cursory manner. Such forest impacts and requires fuller analyses and examination as required by the S&G’s for LSRs.”***

We object to the proposed action that results in ‘significant large tree removal’ within a Late Successional Reserve that is within stands that are much older than 80 years old where other alternatives exist that were either not studied or otherwise selected. The alternatives to the proposed action included constructing shorter road segments and/or road segments of reduced widths with turnouts. **Please respond to this objection.**

See Objection #7 below.

Objection #5:

Quote from Page 2 of the Original Comment Letter:

- ***“Alternatives.** p 4. All proposed road relocations are proposed within older forest stands (>160 years old) that are located within an LSR as well as within a W&S River corridor. Given the sensitivity of the vegetative landscape, it is most disappointing that all alternatives propose constructing roads of maximum width through old growth forest stands.*
- *The EA does not fully comply with NEPA guidance in that a range of alternatives was not studied and should be produced to completely address all significant environmental issues produced by the project. However, the EA considers only the construction of new roads that are of maximum width right-a-ways through that pass through ancient forests in an LSR!*
- *This EA must evaluate the implementation of lower road standards. This EA evaluation should have included alternatives with road right-a-way widths (road surface plus clearways), of 20 or 25 feet. Also, the use of selectively placed turnouts with a narrower road could be utilized in place of 40 foot right-a-ways. With such short roads lengths (0.41 to 0.68 miles), signage could well be the least expensive, least damaging alternative associated with a short, narrower road segment.”*

The Forest Service did not examine alternatives which would minimize the impact of the proposal ‘by limiting the degree or magnitude of the action and its implementation’. The Sierra Club’s suggestion of a right of way no wider than 20 or 25 feet could be utilized for the location of the Third Alternative instead of the proposed 40 foot right of way. Deadhorse Road with such a 20 – 25 foot right of way could surely be as safe as the existing road, which for a significant length appears to have an existing width of no more than 25 feet, and is a single lane dirt road with turnouts. Also, there are sections of road closer to the Skyline Divide Trailhead which pass by significant vertical rock outcroppings on the uphill side of the road, and still maintain a narrow right of way which is capable of handling significant traffic. Given the side-slope limitations of the proposed site, a narrower road prism would be not only more cost effective but would have less impact on the LSR and would preserve more of the trees, and require less blasting.

Specifically:

- We object to the limited range of alternatives selected for analysis for this project. 40 CFR §1502.14 requires that a reasonable set of alternatives to the proposed action be evaluated. Those alternatives should address the major environmental issues that were raised by the proposed action. **Please explain why our suggestion for alternative courses of action (combinations of shorter narrower road segments) were not evaluated and documented in the EA.**
- We object to the project analyses that made no attempt to reduce or mitigate the adverse environmental effects of the proposed action. The selected alternative is the most destructive alternative, i.e. the longest road segment of the greatest width (right of way) thru the oldest stand

of trees in the project area. 40CFR § 1508.1(s) requires that the project must explore means that “...avoid, minimize, or compensate for effects caused by a proposed action...” **Please explain why the project did not explore “...Minimizing impacts by limiting the degree or magnitude of the action and its implementation.”**

We object to the project not exploring the use of road right of ways of minimum width, as suggested above, so as to limit the vegetative disturbance within a Late Successional Reserve with stand ages well over 80 years old for any or all of the road segments evaluated. Per Jan Henderson stand age data, these stands are 120-200 years old.

Please explain why these protective actions were not taken.

See also Objection #6 below regarding calculation of the “40 foot right of way.”

See also Objection #7 regarding S&G requirements for cutting trees in LSR.

Objection #6:

Quote from Page 2 of the Original Comment Letter:

- ***“Alternative 3. p 5-6. The EA states that the preferred alternative will require 0.68 miles of new road construction (3585 feet in length) and require the destruction of 3.45 acres of late successional forests (3.45 X 42560 = 146,832 square feet) in an LSR within a recommended W&S river corridor. Combining these data produces a total road right-a-way of 41.0 feet (road surface plus clearway). We find such a road standard to be most excessive and unnecessary, particularly when located in an LSR that also traverses older forests. ”***

We object to the vague description in the EA of the size of the disturbed area of in this forest generated by the relocated road in the preferred alternative. The structure and content of the EA obscures the size of the road right-a way through this sensitive older forest by only apparently referring to acres of forest affected by the road relocation. **The EA must be revised to call out the width of the driving surface of the, the width of the ditches on both sides of the road, and the further clear way beyond each ditch line.**

We also note that the Wildlife Report, on page 34, discusses a “...linear opening of approximately 20 feet wide...” and “...ground disturbance...3.5 acres for Alternative 3”. The apparent inconsistency between the notation of a 20-foot wide linear opening, and the approximately 41-foot wide right of way which 3.5 acres of disturbance would represent, is troubling. **We ask that the EA be revised to clarify this inconsistency.**

See also Objection #5 above regarding Mitigation of Impact as required under 40 CFR 1502.14.

Objection #7:

Quote from Page 2 of the Original Comment Letter:

- **“Environmental Effects.** p 6. *The EA is being blindly selective when it chose which pieces of management direction with which to comply in the Standards and Guidelines (NWFP, 1994). The EA discussion on Relevant Standard and Guidelines (p 2) is incomplete since it does not quote for the LSR management direction on page C-16. The S&Gs express a strong direction that “new roads” in LSR’s be avoided. Resource mitigation measures and effects have not been “minimized to the greatest extent practicable...” since a maximum sized road right-a-way is proposed in all alternatives as well as the preferred alternative.*
- *Page C-16 of the S&Gs: “Road construction and Maintenance: Road Construction in Late Successional Reserves for silvicultural, salvage, and other activities is not recommended unless potential benefits exceed the cost of habitat impairment.” The EA fails to evaluate potential benefits as cast against costs. And the EA glosses over the costs in a most superficial way.*
- *Page C-16 of the S&G’s quoted above further states: “If new roads are necessary to implement a practice that is otherwise in accordance with these guidelines, they will be kept to a minimum, be routed through non-late-successional habitat where possible, and be designed to minimize adverse impacts (italics added).” Our evaluation of this proposed project finds that the EA proposes to build roads of a maximum standard of the greatest length through an old growth forest such that none of the this direction has been followed. Please address NW FP direction.”*

[Note: a line space was inserted between the two above bulleted paragraphs for ease of reading]

As described below, the EA preferred alternative is not in compliance with the intent or spirit of the 1994 Standards and Guidelines (S&G) for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan), as it specifically applies to **‘Road Construction and Maintenance’ as defined on page C-16 as well as LSR management on page C-12 of the S&Gs.**

Specifically:

- We object to the proposed action that fails to comply with LSR management direction in the area of road construction and maintenance. The S&G specifically states “Road construction in Late-Successional Reserves for silvicultural, salvage, and other activities generally is not recommended unless potential benefits exceed the costs of habitat impairment.” See page C-16. **The EA is deficient in not providing the required cost-benefit analysis that relates to habitat impairment as specifically called for in the S&G. Please address.**
- We object to the proposed action on the grounds that it does not comply with the requirement to analyze situations in LSRs where new roads may be required. The S&G states that:
“If new roads are necessary to implement a practice that is otherwise in accordance with these guidelines, they will be kept to a minimum, be routed through non-late-successional habitat where possible, and be designed to minimize adverse impacts.” See page C-16.

This management direction specifically applies to any new roads that may be constructed within an LSR, directing that they “will be kept to a minimum” and “...routed through non-late successional habitat where possible.” The proposed action as defined, complies with none of the above explicit direction. **We object to a proposed action that ignores alternatives that would limit habitat impairment and are clearly available. Please address.**

- We object to a road relocation decision where the EA did not define or describe the level of urgency for the proposal in order to justify the potential impacts and costs to habitat impairment as well as its failure to consider other minimum impact alternatives. **Please address.**
- We object to an analysis technique that merely pointed to the small acreage of forest affected and then compared this area to the much larger acreage of an entire watershed. Such a cursory and shallow analysis approach, using an arbitrarily large base area, would naturally suggest a limited impact. This type of technique, in our opinion, does not represent sufficient justification for the proposed action. **Please address.**
- We object to this proposed action where cutting 141 trees, each over 20" DBH, apparently within a 3.45 acre zone, is essentially placing a clear cut within an LSR where the stand age is estimated to be between 120 and 200 years old. The Northwest Forest Plan clearly states that "There shall be no harvest allowed in stands over 80 years old..." See S&G page C-12. **Please address.**
- Without demonstrated urgency, and failure to implement resource mitigation measures (such as by building a shorter and narrower road), the failure of the Forest Service to comply with the requirements of the Standards & Guidelines for Road Construction and Maintenance requires that the **Regional Ecosystems Office review 'adjustments in standards and guidelines'**. See page C-16, under Introduction. **Please address.**

See, by analogy, the suggested requirement in the Environmental Assessment – 3-2021 for the North Fork Nooksack Vegetation Management Plan, for the approval of the Regional Ecosystems Office before there would be silviculture harvest in an LSR of trees of over 20" DBH.

Suggested remedies would include a shorter and narrower road, as indicated in the Original Comment, as well as obtaining the Regional Ecosystems Office's review and approval of the proposed action. See also Objection # 5 above. **Please address.**

Objection #8:

Quote from page 3 of the Original Comment Letter:

- ***"Botany. p 6. The EA's environmental effects analyses are again both superficial and cursory. It is a major oversight not to fully addresses the loss of older forest stands, particularly within an LSR and do complete surveys as part of this EA."***

The Wildlife Report and the Plant Report do not fully address the loss of older forest stands, and did not do complete surveys as required under the NW Forest Plan. **Please address both these issues.**

In addition, the Draft EA, the Wildlife Report (see page 48), and the 2021 Biological Opinion of the US Fish and Wildlife Services (see pages 32, 33, 53 and 55) did not do a sufficiently complete cumulative effects analysis for this project. Such an analysis should be conducted of the impact of the loss of older forest stands as proposed in this project particularly when viewed in conjunction with the cumulative effects of logging under the proposed FS North Fork Nooksack Vegetation Management Plan, and logging on adjacent DNR and private lands.

We also note that this proposed alternative does not evaluate the cumulative impacts as directed by 40 CFR §1508.7 which states:

“Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”

Please revise the EA to address the cumulative impacts of this project and past and proposed projects that have implications for this area.

In addition, the Draft EA, the Biological Opinion and the Wildlife Report fail to take into consideration, and do not even mention, the recent 2019 decisions by the State of Washington Dept of Natural Resources regarding both:

- i) the Marbled Murrelet Long-Term Conservation Strategy; and
- ii) the State of Washington’s Sustainable Harvest Calculation.

The cumulative effect of the ongoing timber harvests on nearby DNR State lands, under the 2019 Sustained Harvest Calculation and the 2019 Marbled Murrelet Long Term Conservation Strategy (MMLTCS) may not protect the Marbled Murrelet sufficiently to allow it to survive and flourish if this Draft EA is implemented. As well, the ongoing timber harvests may not protect the Spotted Owl.

Given the deteriorating population prospects for the Marbled Murrelet, the responsible USFS action would be to limit their management actions in areas that could further harm Marbled Murrelet prospects for long term survival. The Forest Service should not add further losses of habitat for the Marbled Murrelets. **Please address this objection.**

See also Objection 9 below.

Objection #9:

Quote from Page 3 of the Original Comment Letter:

- ***“Wildlife. Direct and Indirect Effects of Action Differing Alternatives. p 12-14. This section appears to be based upon the Aquatic Restoration Biological Opinion II (ARBO) while providing only the barest discussion of this document’s contents. Since the document is not available to the public (and is unavailable on the MBS NF website), we find the withholding of this information disturbing.***
- ***Page 12. Table 4: Wildlife Alternatives Table. A review of the large numbers of large trees (>30 inches DBH) to be destroyed is alarming. The EA breezes over these facts by simply disclosing the numbers lost and simply stating that this loss is less than 1% of the mature forest cover in Hedrick Creek. While the S&Gs require that in such circumstances new roads in such places are to be kept to a minimum and then designed so as to limit adverse effects, this EA does neither. Instead it proposes to maximize the adverse effects on the critical habitat of threatened***

and endangered species. An evaluation of the effects of lower standard, shorter road must be added to the EA evaluation."

See Objections #7 and #8 for reasons that the Wildlife Alternatives Table (*which does not actually address Wildlife but instead provides information about number of trees, length of road construction and decommissioning and ground disturbance and noise disturbance*) presents information which does not comply with the direction and intent of the S&Gs. **Please address this failure to comply with direction and intent of the S&Gs.**

Objection #10:

Quote from Page 3 of the Original Comment Letter:

- *"Direct and Indirect Effects of Road Relocation, Habitat. p 13. We do not think this analysis sufficiently addresses the issues of the loss of late successional forest habitat caused by this project.*
- *P 13. The there is potential for blasting to occur during the Marbled Murrelet breeding season. Since there has been no great urgency disclosed to proceed with this project, we recommend that blasting and construction be scheduled outside the nesting and breeding season of the marbled murrelets.*
- *P. 13. **The EA states that the area for the proposed actions has not been surveyed for "suitable habitation a variety of wildlife."** We find this disclosure most extraordinary! Before a new road is built through the middle of a late successional forest in an LSR in a recommended W&S River corridor, the appropriate area must surveyed before a preferred alternative can be logically selected."*

Specifically:

- We object to the simplistic nature of the analysis as applied to the impacts to wildlife cause by this project. There is no assessment for the loss of Late Successional Forest habitat in the EA. **The proposed action does not comply with the specific management direction for LSR's in terms of road placement, older forest loss, and mitigating actions. The situation clearly calls for additional_in-depth analysis of the impact of loss both for the project area, adjacent habitat, and the remainder of the watershed.**
- Second, we object to the various mitigation steps regarding the scheduling of blasting and construction that have been preliminarily addressed on pages 6-9 of the Wildlife Report as being inadequate as presented. **All of those steps should be incorporated into the EA with the proviso that review of all of the suggested mitigation steps be approved and monitored by the Wildlife Biologist.**
- Third, and most importantly, **we object to not including, as a preliminary required step, a survey of a late successional forest in both an LSR and a recommended W&S River corridor, that surveys the presence of all local wildlife.** By way of example, see requirements for Spotted Owl and Marbled Murrelet surveys see Objection #11 below.

As a note, “*Conservation Measures from the **Biological Opinion of the Effects of the Mt. Baker-Snoqualmie National Forest Program of Activities for 2003-2007 on Marbled Murrelets and Northern Spotted Owls** (FWS Reference Number 1-3-02-f-1583, USDI, 2002, with FWS extension in May of 2009) apply to the proposed action*”. See Page 6 of the Wildlife Report (underlining added).

Please address all of these objections.

Objection #11

Quote from Page 3 of the Original Comment Letter:

- *“**Action Summary for Spotted Owls and Marbled Murrelets.** p 14. The analysis basis documented appears limited, cursory, and somewhat unprofessional.*
- *P. 14-15. Table 5: Effects matrix. This matrix represents what appears to show the results of an evaluation of environmental effects that contained little substance. The table of effects represents the obvious and is not informative.*
- *These road projects would bisect the old growth forest and threatens nesting sites for Marbled Murrelets (MM) and Spotted Owls (SO) which are endangered species under the 1973 Endangered Species Act. In 1992 the MM was listed and 1990 the SO was listed. The loss of old growth forests is a primary threat to the survival of these two species. These listings were the major reason for the direction contained in the S&Gs that deal with roads within late successional habitat that are within LSR’s.*
- *In consideration of the time-line for construction is in the breeding season and we strongly recommend that a mitigation for this would be to delay the construction outside of the breeding and incubation season. The MM season spans approximately from March 24-August 25, while SO eggs are laid in the early spring and hatch a month later. The owlets are able to perch away from the nest but remain nearby for their parents to feed them.”*
- *[Note: a line space was inserted between each of the above bulleted paragraphs for ease of reading]*

Furthermore, we note that the 1994 Record of Decision (ROD) for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl, clearly refers on page 46 to “**mandatory pre-project surveys.** (Final SEIS at 2-28).”

Without surveys, one cannot accurately determine the inventory of existing habitat so as to preclude removal of existing habitat. Merely relying on historical surveys alone that may be out of date is not a robust methodology, let alone a competent approach to account for local as well as two Federally Listed species.

We also note that the 1994 NWFP Record of Decision states the following:

1. "There is one primary evaluation question with regard to the northern spotted owl, the marbled murrelet, and at-risk fish stocks: **Is the population stable or increasing?**" **Standards and Guidelines, page Implementation E-10, Attachment A to the ROD.**
2. "Current protocol requires 2 years of surveys to assure that no marbled murrelet nests exist in areas planned for timber harvest. If behavior indicating occupation is documented (described below), all contiguous existing and recruitment habitat for marbled murrelets (i.e., stands that are capable of becoming marbled murrelet habitat within 25 years) within a 0.5-mile radius will be protected. The 0.5-mile radius circle should be centered on either the behavior indicating occupation, or within 0.5 mile of the location of the behavior, whichever maximizes interior old-growth habitat. When occupied areas are close to each other, the 0.5-mile circles may overlap." **Page Standards and Guidelines C-10, Attachment A to the ROD.**
3. "One hundred acres of the best northern spotted owl habitat will be retained as close to the nest site or owl activity center as possible for all known (as of January 1, 1994) spotted owl activity centers located on federal lands in the matrix and Adaptive Management Areas. This is intended to preserve an intensively used portion of the breeding season home range. "Activity center" is defined as an area of concentrated activity of either a pair of spotted owls or a territorial single owl. Timber management activities within the 100-acre area should comply with management guidelines for Late-Successional Reserves. Management around this area will be designed to reduce risks of natural disturbance. Because these areas are considered important to meeting objectives for species other than spotted owls, these areas are to be maintained even if they become no longer occupied by spotted owls." **Page Standards and Guidelines C-10 and 11, Attachment A to the ROD.**

We object to the selection of the proposed action for this project when no technically credible assessment has been made of either or both the marbled murrelet and northern spotted owl's population stability and the direct implication of this proposed alternative on those populations. **Please provide these analyses.**

In addition, see page 18 of the Wildlife Report:

"Designated Northern Spotted Owl Critical Habitat – Unit 4: West Cascades North, Subunit: WCN 1, Washington

The proposed road relocation work is located in northern spotted owl critical habitat, within critical habitat unit #4 in the province of West Cascades North (subunit WCN-1). This unit encompasses habitat located on the northern portion of Mt. Baker-Snoqualmie National Forest, minus wilderness areas. The following description of Unit 4, Subunit WCN-1 is from the final rule on the recovery plan for the northern spotted owl (USDI Fish and Wildlife Service 2012. FR 77(23): 71876-72068) ...

...We have determined that all of the unoccupied and likely occupied areas in this subunit are essential for the conservation of the species to meet the recovery criterion that calls for the continued maintenance and recruitment of northern spotted owl habitat (USFWS 2011, p. ix)"

In addition, see page 20 of the Wildlife Report:

“Marbled Murrelet Critical Habitat (WA-09-e)

The Deadhorse Road Relocation project is within marbled murrelet critical habitat which is coincidental with the Late Successional Reserve (LSR) boundary for LSR #111. Critical habitat for the marbled murrelet was designated in Federal Register 61 (1996) and includes the primary constituent elements that support nesting, roosting, and other normal behaviors that are essential to the conservation of the marbled murrelet. The primary constituent elements include: 1) individual trees with potential nesting platforms, and 2) forested areas within 0.8 kilometers (0.5 miles) of individual trees with potential nesting platforms, and with a canopy height of at least one-half the site-potential tree height. **Designated Critical Habitat also includes habitat that is currently unsuitable, but has the capability of becoming suitable habitat within 25 years** [emphasis added] Federal Register: September 12, 2006 (Volume 71, Number 176), Revised Critical habitat for the marbled Murrelet: Final Rule in the Federal Register, October 5, 2011 (Volume 76, Number 193) <http://www.gpo.gov/fdsys/pkg/FR-2011-10-05/pdf/2011-25583.pdf>.”

We object to the Forest Service, through the Draft EA and its proposed action, ignoring the implications of the importance of the loss of any late successional habitat to the threatened and endangered species upon which they depend by selecting the alternative most destructive to their habitat. **Please revise the preferred alternative and select a proposed action that is less damaging to the ecosystem.**

This process must recognize the concurrency issues with other projects, such as North Fork Nooksack Vegetation Management Plan, as well as State of Washington Dept Natural Resources, as well as private timber lands, adding all together, to reduce even more habitat is contrary to protection of a listed species. **Please address.**

Conclusion

In summary, the EA fails to consider a reasonable range of alternatives. Additional alternatives should be developed with narrower width road standards, and lower road standards commensurate with narrower roads.

Additionally, the EA fails to consider project-wide mitigation of the impacts of the project, although wildlife mitigation is minimally addressed.

Project wide mitigation must be part of this project.

Further, the proposed action for R3700 is inconsistent with the management goals for the national forest and this forest plan land use allocation.

The Wild & Scenic River corridor recommendation has not been adequately addressed in the EA.

The need for this project is not fully addressed as well as its urgency. The proposed action needs further refinement both as to costs, and the destructive nature of the new road. Full costs to fish, spotted owls, marbled murrelets, other wildlife, and old growth forests must be assessed.

No decision should be taken until that analysis and a more complete survey of the project area for wildlife and plants has been completed, and the minimum impact alternative selected.

While improving the condition of the floodplain and avoiding loss of this road is important, it is not imminent. Thus, the Forest Service has time to do further design and environmental assessment of the proposal.

Thank you for this opportunity to comment on the Deadhorse Road Relocation project.

Please respond to these Objections. We look to the Forest Service to provide the public with an analysis of a minimum width road alternative, and to undertake the recommendations provided in this Objection Letter.

Please keep us informed of any actions related to this project.

Please address future communication, emails or telephone calls regarding this project to the Forest Committee, to

- Don Parks at dlparks398@gmail.com and (425) 891-2025, and
- Amy Mower at almower@earthlink.net and (360) 305-2922.

Sincerely,

Sierra Club
Washington State Chapter
Mt. Baker Group
Rick Eggerth, Chair
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cc:

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