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Comments: May 14, 2021

To: Jody Weil

Forest Supervisor

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From: D. Brady Green

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RE: Deadhorse Road Relocation Project #57167 Environmental Assessment (EA)

Dear Jody:

I object to the April 2021 Decision Notice Finding of No Significant Impact (FONSI) conclusion that Alternative 3 of the Deadhorse Road Relocation Project EA will not have significant effects on the quality of the human environment considering the context and intensity impacts. The FONSI does not meet Intensity Factors 1, 3, 4, 5, and 8 and the analysis and the EA:

- 1) Finding is based on an incomplete analysis of resources.
- 2) Does not meet NEPA standards.
- 3) Fails to include a geotechnical analysis or report.
- 4) Preferred alternative was arrived at without a basic geotechnical analysis, that is required in any road location assessment.
- 5) Does not recognize potential impacts to existing and marked mining claims.
- 6) Does not recognize the impacts to the previously recognized Boyd Creek Falls tribal cultural/ritual and bathing site.

Previously, I provided scoping comments (1/3/2020) and comments on the (4/10/20) Draft Deadhorse Road Relocation Project Environmental Assessment (EA). I reviewed the April 2021 Final Deadhorse Road Relocation Project #57167 EA and many of my earlier concerns were still not addressed. I object to the preferred alternative #3 that was selected for a number of reasons which follow.

As a retired Forest Service fisheries biologist, and having worked on the Mt. Baker Ranger District for almost 19 years, I am very disappointed and embarrassed by the poor quality of this EA. Not only is the EA full of errors and mistakes, more importantly it is missing key technical documentation (e.g., geotechnical report, fisheries report) and much of the documentation that is presented in the project record is incomplete (lacking report dates, signatures, etc.) to support the analysis and conclusions drawn in this EA. This EA is inadequate, lacks decent maps and labeling showing the actual locations of Boyd Creek, the Boyd Creek culvert, the Boyd Creek Interpretive Site, Cascade Creek, and accurate locations of the proposed new road alternatives on the ground. In addition, the vicinity map figure (Figure 1?) on page 1 is missing and on page 2 is mislabeled and there is no figure 2.

As I pointed out in my previous comments on the scoping document and EA, I find it very alarming and sad, that the Washington Department of Fish and Wildlife (WDFW) and 4th Corner Fly Fishers, were not listed as having been consulted under the "Agencies and Persons Consulted" in the EA. WDFW, along with the tribes are fish and wildlife co-managers in the State of Washington. The 4th Corner Fly Fishers, a local non-profit outdoor recreation group, were responsible for donating their time, and sweat equity, by constructing the elevated 200

feet long board walk, including interpretive sign bump outs.

There is no technical documentation in the EA, or in the project record, showing that a geotechnical analysis or report was completed. The only mention of a geotechnical assessment was in the "Cultural Resources Specialist Report," which was not dated. It stated that "A geotechnical feasibility assessment of the area will develop three alternatives determining where the road will be located." Considering, that the preferred alternative proposes to construct 0.7 miles of new road across steep (60% plus) forested rocky slopes above the North Fork Nooksack River and build four new stream crossings, it is incomprehensible that there is no reference to a geotechnical analysis having been completed before sending out this EA! The "Hydrology and Soil Resources Report" indicates that within the project area "Soils tend to moderately stable to unstable depending on their gradient." "Steeper areas also have some inclusion of rock outcrop." My understanding is that much of the area where the new road is located has shallow soils underlain by bedrock, which could create a serious risk to keeping a new road in place.

In the mining claim area, located just west of Boyd Creek, there is a mine shaft dug into bedrock, and claim notes delimiting the claim area. All three proposed road locations, as best I can tell from the poor maps, would go right through this shallow soil, mining claim bedrock area. Again, with no geotechnical analysis, how could a preferred road location be determined and sent out to the public for review. My past experience working with the USFS is that, when new road locations are proposed, a detailed geotechnical analysis is required and a report completed prior to selecting a preferred alternative and sending out an EA to the public for comment. Is the USFS now circumventing previous NEPA and road building requirements in selecting preferred alternatives? If so, this is unacceptable.

The EA does contain fisheries information, however, considering that a key reason for this proposed road relocation project is to protect and restore habitat for ESA listed fish species in the North Fork Nooksack River watershed, so why is there no fisheries report or analysis in the project record?

As in the 12/2/2019 scoping document, March 2020 Draft EA, and the April 2021 EA, there are still no streams (Boyd Creek, Cascade Creek, etc.) shown on the figures in the EA. The Lidar-type map in Figure 3 used to show the alternative road locations, has no details, making it very difficult to evaluate alternatives and give comments on the three road location alternatives proposed. Also, there are no topographic features (elevation lines, labeled stream channels, etc.) that are needed to evaluate the relative elevations between the main the North Fork Nooksack River channel and the proposed road location alternatives. The map is so general and that it is impossible to locate where on the ground these road crossing alternatives are located. Figure 1 in the "Hydrology and Soil Resource Report" does have some topographic features but the scale is so small that little project detail can be determined and the stream channels are not labeled. In addition, there are no locations marked (flagging, stakes, etc.) on the ground so that anyone could review the proposed road locations. My experience working for the Forest Service is that it is standard procedure to mark proposed road locations so that Forest Service specialists, and the interested public, can review these and be able to make intelligent determinations of the potential impacts of each road alternative.

The EA states "the Boyd Creek Interpretive trail has historically experienced low visitation." How was this determined and what recreation use monitoring method was conducted? The Boyd Creek Fish Interpretive Trail Project, completed in 2000, was a cooperative USFS Challenge Cost Share project involving a number of partners. The major partners were the 4th Corner Fly Fishers, who constructed the boardwalk portion of the interpretive trail along Boyd Creek, and the Nooksack Salmon Enhancement Association (NSEA), who provided materials. Other partners included the Nooksack and Lummi tribes, Nooksack Enhancement Association, WDFW, and others provided advice on the content of the trail interpretive signs, kiosk, and handouts. The themes of the interpretive signs, located along the trail and boardwalk, focus on educating the public about quality fish habitat and discuss the Boyd Creek habitat restoration project that was completed in the mid 1980's, as a result of flood damage that incurred from an upstream road failure. There are no other interpretive projects like this in the North Fork Nooksack River area, making it a unique public interpretive opportunity.

As far as I can determine the boardwalk portion of the Boyd Creek Fish Interpretive Trail Project is not in the floodplain of the North Fork Nooksack River and is not in danger of being washed out by Boyd Creek.

During the scoping process for the Boyd Creek Fish Interpretive Trail Project in the late 1990's, the Nooksack and Lummi tribes cultural resource specialists recommended against having the interpretive trail extend

upstream to the falls the Boyd Creek Falls, as was originally planned. They indicated that the Boyd Creek Falls area was a significant cultural and spiritual area that would be disturbed by having the trail end there. Therefore, the final design of the Boyd Creek Interpretative Trail was modified so as not to disturb the Boyd Creek Falls due to concerns expressed by the tribes. The ribbon cutting opening ceremony for the Trail held in 2000, was attended by representatives from the 4th Corner Fly Fishers, Nooksack and Lummi tribal and other groups. The Nooksack Tribal representative even sang a ceremonial song with drumming, blessing the Trail.

I find it hard to believe that since then the tribes no longer consider the Boyd Creek Falls as having significant cultural and spiritual values. The "Heritage" report for the EA states on page 10 that "The project has been designed so as to avoid adverse effects to significant cultural resources." So, what has changed since the 1900's when tribal cultural resources indicated that Boyd Creek Falls was in fact and important cultural site and needed protection? Also, there is no date shown on the "Heritage" report and it indicates that "A geotechnical feasibility assessment of the area will develop three alternatives determining where the road will be relocated." How can you publish an EA about relocating a mile of road without conducting a proper geotechnical feasibility assessment of the area first?

In addition, there is an existing mining claim, including mine shaft, located on the hillside to the west of Boyd Creek, near the West Fork of Boyd Creek, just upstream from the existing Road #37 crossing, that could be impacted by the proposed new road locations in all alternatives. Why was there no discussion in the "Heritage" report or in the EA about the existing mining claim?

I support the idea of meeting Aquatic Conservation Strategy (ACS) objectives to maintain and restore various natural functions and processes, where possible. However, there has to be a reasonable comparison of the tradeoffs of costs and benefits when attempting to meet ACS objectives in this situation. Nature is messy and not easily predictable. The concern expressed by the USFS is that the North Fork Nooksack River will wash out the existing Deadhorse Creek Road and the Boyd Creek Interpretive Trail system near Boyd Creek.

There is a bedrock outcrop located near the mouth of Boyd Creek, just downstream on the left bank of North Fork Nooksack River, that is providing a bedrock control that limits river channel movement in this area. In addition, the approximately 200 feet long bank section along the Deadhorse Creek Road, contains boulder deflectors and log jams, that are protecting the existing road and the Boyd Creek Interpretive Trail system. In addition to deflecting river flow away from the road, these boulder and log structures are also providing important fish habitat (holding and rearing) to this reach of the North Fork Nooksack River. The combination of these structures and the bedrock control near the mouth of Boyd Creek, are protecting fish habitat in Boyd Creek. Over the years, I have personally observed ESA listed Chinook, Coho, and Pink Salmon and ESA listed Steelhead spawning in Boyd Creek above, and below the exiting culvert, and along the Boyd Creek Interpretive Trail and boardwalk, all the way up to the Boyd Creek Falls.

Project Impacts:

- 1) Constructing approximately 0.7 miles of new road across steep (60% plus) rocky and forested slopes.
- 2) Removing wildlife habitat (141 trees above 20 inches DBH) above the North Fork Nooksack River.
- 3) Building four new stream crossings across steep slopes.
- 4) Removing (decommissioning) approximately .35 miles of the existing Deadhorse Creek Road #37.
- 5) Disturbing and estimated 3.4 acres of land.

Even with BMPs, the proposed project would be creating a higher impact to natural resources than selecting the no Action Alternative.

Why was the reasonable alternative to just replace the FS Road #37 Boyd Creek culvert to improve fish passage not considered? In addition, comparing older aerial photos with the most recent ones and looking at on the ground conditions, there is another section of the Deadhorse Creek Road, that is at even more risk of being washed out by the North Fork Nooksack River. It is located near RM 3.6, just up the road from where the proposed new road would intersect the existing Deadhorse Creek Road. Why has this road issue not been identified during project analysis and discussed in the EA?

For a number of years now the condition of the Deadhorse Creek Road #37 has been unacceptable and is a public embarrassment. Much of the 3.1 miles of the road used to reach Boyd Creek is extensively rutted with potholes, making it very difficult for passengers, and even for higher clearance all-wheel drive vehicles, to

navigate safely. Much of the rest of the road up to the Deadhorse Creek Bridge (RM 5) is in a similar condition. It would be a much better use of public tax payer money to repair the road surface than to spend millions of \$'s on constructing a new .7 miles road (including 4 stream crossing structures and expensive bedrock blasting), removing .35 miles of existing Deadhorse Creek Road, including removing the existing rock and log jam structures along 200 feet of bank that are protecting the road, removing the Boyd Creek Interpretive Trail system (including 200 feet long elevated boardwalk), and placing new large woody debris structures in the North Fork Nooksack River floodplain.

In conclusion, there are so many problems with the proposed project, and this EA, that make it incomplete and unacceptable. The most egregious omission is that there is no evidence of a geotechnical assessment having been completed before this EA was sent out to the public for review and comment. There is no flagging on the ground to indicate that any road surveys were completed for the three alternatives.

Two reports in the project file, the ACS and Heritage reports, were not dated, which is unacceptable. In addition, although the cover page is dated "April 2021," the FONSI was not signed or dated by the Responsible Official. The FONSI incorrectly states that "The Environmental Assessment for the Deadhorse Road Relocation Project (EA, 2020) is incorporated by reference." The actual date of the EA was March 2021, not 2020!

Recommendation:

The USFS should consider using their limited funds to improve fish passage at the FS Road #37 Boyd Creek Culvert and fixing the unacceptable road surface conditions along approximately 5 miles of FS Road #37, rather than spend all that money on Alternative 3, when this section of road is already being protected by the existing conditions. This would improve fish passage and allow the Deadhorse Creek Road (FSR #37) to provide public access to recreation areas further up the road, including to the Skyline Divide Trailhead.

Sincerely,

D. Brady Green