



To: Robert James, Forest Geologist
Mt. Baker Ranger District
810 State Route 20
Sedro-Woolley, WA 98294

Submitted via: Forest Service CARA portal and comments-pacificnorthwest-mtbaker-snoqualmie-mtbaker@usda.gov

Re: Public Comments on 2025 Mt. Baker Geothermal Consent to Lease Draft Environmental Assessment, Project #68702 — No Surface Occupancy, Existing Lease Viability, and Need to Explain Changed Stipulation Mapping

Dear Mr. James:

Please accept these comments on the 2025 Mt. Baker Geothermal Consent to Lease Draft Environmental Assessment, Project #68702. We are submitting these comments as Public Utility District No.1 of Whatcom County (Whatcom PUD).

The Forest Service project page describes this action as a consent-to-lease analysis for geothermal resources on National Forest System lands nominated by BLM. The page states that the analysis does not authorize ground disturbance, but instead creates stipulations for authorized leasing areas, and identifies the project area as approximately 60,097 acres of National Forest System land surrounding Mt. Baker.

We support careful, responsible evaluation of geothermal resources in the Mt. Baker area. Geothermal energy may provide important clean, local, long-duration energy benefits. At the same time, geothermal leasing decisions must be transparent, technically workable, and protective of sensitive environmental, cultural, Tribal, scenic, recreational, hydrologic, and geologic resources.

The central concern in these comments is not whether sensitive resources should be protected. They should be. The concern is that the Draft EA appears to apply very broad No Surface Occupancy ("NSO") restrictions, including areas that were previously evaluated, offered, leased, logged, or otherwise disturbed. In at least one case, an existing geothermal lease area appears to be mapped as 100% NSO. The final EA should explain what changed, why those NSO designations are being applied now, whether they are based on new resource information or consultation, and whether any lease covered entirely by NSO remains practically developable.

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1. The Final EA should explain why the No Surface Occupancy (NSO) footprint appears to have expanded from prior Mt. Baker geothermal leasing analyses.

The current Draft EA appears to apply substantially more NSO than prior Mt. Baker geothermal leasing analyses and subsequent lease outcomes. The Forest Service's earlier Mt. Baker Ranger District Geothermal Consent to Lease Project, completed in 2015, analyzed nearly 83,378 acres, and was intended to decide whether to consent to lease and what stipulations were necessary to minimize impacts and comply with law, regulation, policy, and Forest Plan direction.

The current project area is different because the 2025 project page identifies a 60,097-acre area surrounding Mt. Baker. Because the geographic area, lease status, resource data, and stipulation maps appear to have changed over time, the final EA should include a direct crosswalk between the 2015 analysis, the 2020 lease sale, existing or prior lease boundaries, and the current Draft EA stipulation maps.

A blanket NSO map may be protective, but it is not self-explanatory. The final EA should not require the public to infer the reason for each NSO designation from overlapping GIS layers. The agency should disclose the actual reason for each category of NSO, the data source used, the date of the data, whether the basis is mandatory or discretionary, and whether a less restrictive stipulation was considered and rejected.

2. NSO is a major constraint and should not be applied without a clear resource-specific rationale.

The 2008 BLM Geothermal Leasing Record of Decision (ROD) states that NSO stipulations are considered a major constraint because they do not allow for surface development. It further states that NSO is appropriate when standard terms and conditions, less restrictive lease stipulations, and best management practices are insufficient to achieve resource-protection objectives.

The same ROD identifies possible NSO bases, including ESA critical habitat, National Register-listed or eligible properties, traditional cultural properties, Native American sacred sites identified through consultation, water bodies, riparian areas, wetlands, floodplains, developed recreation sites, Wild and Scenic River corridors, important viewsheds, slopes over 40 percent, and high-erosion-potential soils.

That framework supports resource protection, but it also requires explanation. If an area is NSO because it is riparian reserve, the EA should say so. If an area is NSO because of slope instability, the EA should say so. If an area is NSO because of cultural-resource or Tribal consultation concerns, the EA should explain that at a general level while protecting sensitive information. If an area is NSO because of policy discretion rather than a mandatory legal requirement, the EA should say that too.

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3. The Final EA should address whether Tribal consultation, cultural-resource information, or other confidential information influenced the new NSO designations without disclosing sensitive locations.

The Draft EA should not disclose confidential cultural-resource locations, sacred-site information, or sensitive Tribal information. However, the final EA should disclose the general decision rationale for NSO designations so the public can understand why the stipulation map changed.

The EA should explain whether Tribal consultation, NHPA Section 106 review, treaty-resource concerns, traditional cultural properties, sacred-site concerns, or Indigenous Knowledge contributed to NSO mapping. This request is not for disclosure of sensitive Tribal or cultural information. It is a request for a transparent, non-confidential explanation of what changed and why.

4. Specific requests for the Final EA and decision record.

Before issuing a Decision Notice or Finding of No Significant Impact, we request that the Forest Service revise the Draft EA or provide supplemental analysis to:

1. Explain why the No Surface Occupancy (NSO) footprint changed from prior Mt. Baker geothermal leasing analyses.
2. Provide a crosswalk between the 2015 consent-to-lease analysis, the 2020 BLM lease sale, current lease boundaries, and the 2025 Draft EA stipulation maps.
3. Identify all existing, prior, relinquished, expired, pending, restored, reissued, or nominated geothermal leases/parcels affected by the action.
4. Provide a table showing acreage and percentage of NSO, Controlled Surface Use, Timing Limitation, and standard-occupancy acreage for each lease or parcel.
5. Identify any lease or parcel that is 100% NSO.
 1. Explain whether any 100% NSO lease remains practically developable through directional drilling.
6. Identify feasible non-NSO surface locations, if the agency assumes directional drilling or off-site development is possible.
7. Explain the resource-specific basis for NSO in previously logged or otherwise disturbed areas such as roads.
8. Identify which NSO designations are mandatory and which are discretionary.
9. Identify whether Tribal consultation, NHPA Section 106 review, treaty-resource concerns, traditional cultural properties, sacred-site concerns, or Indigenous Knowledge informed the NSO designations, while protecting confidential information.

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1. Provide non-confidential GIS data or map appendices showing lease boundaries, nominated lands, prior auction parcels, NSO areas, Controlled Surface Use, Timing Limitation areas, and the resource basis for stipulations.
10. Clarify whether proposed stipulations affect only future leases or also existing, restored, reissued, assigned, or restoration-pending leases.
11. Evaluate an alternative that retains NSO for sensitive resources but allows limited surface occupancy opportunity areas in lower-conflict, or previously disturbed areas such as roads.
12. Reissue the Draft EA or provide a supplemental public review opportunity if the NSO mapping materially changes the practical availability of geothermal lease areas.

Conclusion

We respectfully request that the Forest Service revise the Draft EA to provide the maps, GIS data, lease-status information, NSO-basis tables, comparison with prior analyses, and feasibility analysis described above before issuing a final decision.

Thank you for considering these comments.

Sincerely,

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