

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

Mountain Loop National Forest Scenic Byway Road Repair Environmental Assessment

USDA – Forest Service, Mt. Baker-Snoqualmie National Forest Darrington Ranger District, Snohomish County, Washington

An Environmental Assessment (EA) that discusses the proposed Mountain Loop National Forest Scenic Byway Road Repair on the Darrington Ranger District, Mt. Baker-Snoqualmie National Forest has been completed. The EA is available at the Darrington Ranger District office, 1405 Emens Avenue North, Darrington, Washington 98241 and on the Forest website at www.fs.fed.us/r6/mbs. The proposed project is located in Sections 21, 28, and 29, T.30N., R.11E. in the South Fork Sauk River drainage, at four flood-damaged sites on the Mountain Loop between Monte Cristo Lake and Bedal Creek (*EA page 1-3*). The proposed action addresses the need to repair this National Forest Scenic Byway to meet access needs for recreation visitors, private landowners, and for administration and management of forestlands.

Decision

Based on my review of the alternatives, it is my decision to select **Alternative 2**, including all listed mitigation measures, management practices and requirements, and monitoring, to make specific road repairs on four, flood-damaged sites on the Mountain Loop Scenic Byway at mileposts (MP) 33.1 (just downstream of Monte Cristo Lake), 33.6, 34.8, and 35.6 (just upstream of Bedal Creek). The rationale for my decision is presented below. My decision takes into consideration the analysis and evaluation disclosed in the environmental assessment, including the manner in which each of the alternatives met the need for action and how each alternative addressed the significant issues. I also considered all of the public comments raised during analysis.

Implementation of Alternative 2 will restore the “loop” in the Mountain Loop National Forest Scenic Byway to the thousands of recreationists who drive this nationally-known route. Once completed, the Byway will again allow wheeled vehicle access to dispersed recreation camping and picnicking areas that were isolated following the 2003 flood, access to trailheads at the end of Road 4080, access from Granite Falls to Bedal campground and private residences at Bedal and Forgotten Mountain Estates, and access for snowmobile and other recreation use during the winter. Repairing the Mountain Loop will allow direct access to Forest Administrators (the road is rated a High Need for access in the Forest-wide Roads Analysis), law enforcement, and fire emergency. Finally, repair of the Mountain Loop Byway will protect and enhance the free-flowing conditions, water quality, and outstandingly-remarkable values of the Sauk River segment of the Skagit Wild and Scenic River.

My decision includes the following repair (see *EA pages 7-21, 41-44, and 50-53 for full description and plans and photos*):

Repair at Milepost 33.1: This repair site is located outside of the Skagit Wild and Scenic River corridor and the road lies on a terrace above the South Fork Sauk River. A 150 to 200-foot section of the damaged road will be realigned about eight feet away from the river, into the slope of the hill. A rock buttress will be built against the slope, if it is determined necessary. A new culvert that meets current Forest Plan standards (100-year flood capacity) will be installed at the upper end of the repair. Road width here will remain the same (16 feet wide plus required curve widening¹) and the road will be surfaced with crushed rock.

Only 0.1 acre of vegetation will be disturbed for the new cut slope; trees to be removed are small (less than eight inches diameter DBH²), mostly hardwoods and a few small conifers. All are too small to be used as instream large wood; they will be either left on-site to improve terrestrial woody habitat, or moved to the rock pit near Bedal Creek for firewood.

No rock (rip-rap) will be needed at this site. The failed road shoulder and road edge will be pulled back and excess material hauled off-site. All disturbed and bare ground will be seeded or seeded and mulched; see **Mitigation Measures**, below.

Repair at Milepost 33.6: At this site, about 250 feet of the roadbed was washed out—back to bedrock in places. As MP 33.6 is very near the terminal boundary at Elliott Creek (which is unsurveyed) and for the purposes of this analysis, the site is treated as if it is within the Wild and Scenic River corridor. Only the repairs at MP 33.6 meet the definition of a water resources project (federally assisted and within the river's bed and banks). A Section 7(a) Determination has been completed (*EA, Appendix D*): the actions will not have a direct and adverse effect on the values for which the Sauk was designated a Wild and Scenic River, nor will they change the free-flowing condition of the river or affect the outstandingly-remarkable values. See **Reasons for the Decision**, below, for more.

Repairs at this site will include constructing a single-lane road around the point of the bedrock outcrop, at the upper end of the damaged section, including a free-span concrete bridge 60 feet in length. The remainder of the road will be realigned as far away from the river as possible—typically 10 to 20 feet. The total length of the repair at MP 33.6 is about 400 feet.

Concrete retaining walls will be built at each end of the bridge, extending beyond the bridge, to retain fill material at the bridge approaches. At the upper end, large rocks 4.5 to five-feet in diameter and weighing 8,000 to 14,000 pounds each will be placed for a linear distance of up to 50 feet and extending a maximum of 10 feet horizontally into the normal high water channel. This short section is located between large boulders and bedrock. The length of rip-rap is considerably less than the pre-flood condition (*EA page 74, D-8*).

¹ As per agency direction, FSM 7709.56.

² Diameter at breast height.

The bridge abutments will be built on bedrock; a hydraulic rock-breaker and rock drill will be used to level and prepare the bedrock, so that the abutments can be tied to/stabilized on bedrock. The duration of this part of the construction is expected to be short-term: two to five days (*EA page 95*).

The bridge and the realigned road (surfaced with crushed rock) will be 14-foot wide to minimize impacts. A new, 100-year flood capacity culvert will be installed upstream of the first bridge approach and a ditch will be installed the length of the realigned road. Any remaining fill will be pulled back and excess material hauled off-site.

Only 0.25 acre of vegetation will be disturbed at this site. Trees to be removed are small (less than eight inches diameter DBH), mostly hardwoods and a few small conifers. As they are too small to be used as instream large wood; they will be either left on-site to improve terrestrial woody habitat or moved to the rock pit near Bedal Creek for firewood. All disturbed and bare ground will be seeded or seeded and mulched; see **Mitigation Measures**, below.

Repair at Milepost 34.8: At this site, the Byway sits on a terrace above the river; flood waters undercut the toe of the road fill slope. MP 34.8 is located within the Skagit Wild and Scenic River corridor, however repairs at this site do not meet the definition of a water resources project: no rip-rap will be placed within the river's bed or banks (*EA, page 114*). A 200-foot section of the road will be realigned about eight feet away from the river, into the slope of the hill. A ditch will be installed along the length of the repair. Road width here will remain the same (16 feet wide plus required curve widening³) and the road will be surfaced with crushed rock.

Only 0.1 acre of vegetation will be disturbed for the new cut slope. Trees to be removed are hardwoods and a few conifers; except for one 18-inch diameter hemlock, all are small (less than eight inches diameter DBH). The hemlock will be used as large wood in local streams or to armor disturbed stream banks. The small trees will be either left on-site to improve terrestrial woody habitat or moved to the rock pit near Bedal Creek for firewood.

No rock (rip-rap) will be needed at this site because large rock is already present within the river channel. The failed over-steepened road edge will be pulled back and excess material hauled off-site. All disturbed and bare ground will be seeded or seeded and mulched; see **Mitigation Measures**, below.

Repair at Milepost 35.6: High water cut into the original fill slope at MP 35.6; in places, the road fill was eroded back to bedrock. About 400 feet of the road will be realigned about 20 feet into the slope of the hill and away from the South Fork Sauk River. This site is located within the Skagit Wild and Scenic River corridor. However, repairs do not meet the definition of a water resources project because the very large rock that will be keyed into exposed bedrock veins to support the new roadbed will be placed above the river bed (above the ordinary high water mark). A hydraulic rock breaker will be used to shape the bedrock for the large, foundation rocks (see *EA page 21*). The duration of this part of the construction is expected to be short-term: two to five days (*EA page 94*). The road will be in-

³ As per agency direction, FSM 7709.56.

sloped without a ditch to keep the road prism narrower. If needed, ecology blocks (up to four feet high) will be placed at the base of the cut slope to reduce sloughing. Road width here will be about 14 feet, plus required curve widening; the road will be surfaced with crushed rock. Any road fill not washed away by the flood will be pulled back and hauled away from the river.

About 0.5 acre of vegetation will be disturbed for the road realignment, as the slope is steep here. The new cut slope will be an estimated maximum of 100-foot slope distance from the current road edge. Trees to be removed are primarily part of a young stand (mainly hardwoods and a few conifers less than eight inches DBH) except for seven legacy trees: four hemlocks, two Douglas-firs, and one large cedar. The large trees will be used as large wood in local streams or to armor disturbed stream banks; they may be used at the White Chuck ERFO site. The small trees will be either left on-site to improve terrestrial woody habitat or moved to the rock pit near Bedal Creek for firewood.

All disturbed and bare ground will be seeded or seeded and mulched; see **Mitigation Measures**, below.

Implementation of the repairs is expected to begin in the summer of 2006 and be completed either by fall 2006 or in 2007.

Mitigation Measures, Required Monitoring Included in the Decision

My decision also includes the following mitigation measures, management, and monitoring requirements (*EA, page 50-53*). These mitigation measures were developed to minimize or avoid potential resource impacts, and are required actions in the implementation of this decision:

Wildlife:

1. To minimize the likelihood of adverse effects to marbled murrelet, all project activities would occur between two hours after sunrise and two hours before sunset, from May 1 to September 15 each year.

Soils, Aquatics (Water Quality), Fisheries:

The following measures are compiled from the USDI Fish and Wildlife Service, Biological Opinion and Conference Report (August 16, 2005) and USDC, (NOAA) National Marine Fisheries Service Biological and Conference Opinion (October 28, 2005). Both are available in the project files.

1. Excess material (spoils) shall be disposed of and stabilized so it does not enter flowing waters, stream channels or other water bodies.
2. Erosion-control methods shall be used to prevent silt-laden water from entering streams or other water bodies. These may include, but are not limited to: straw bales, silt fencing, filter fabric, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas. Sediment traps should be incorporated into ditches.
3. If wet weather conditions during project operations result in transporting sediment to flowing waters, stream channels or other water bodies, especially those having a high potential to deliver to salmonid habitats, cease operations until the weather conditions improve, unless delaying operations would increase the risk of storm or high flow erosion. Coordination with Forest Service aquatic specialists should be part of this decision process.

4. All disturbed ground shall be reclaimed using appropriate best management practices. Retain measures to prevent sediment from reaching streams until the soil is secure. If appropriate, native species should be used in revegetation. Disturbed ground where runoff has the potential to drain into stream channels shall be revegetated or protected from surface erosion by seeding, mulching, or other methods prior to the fall rainy season. Within one year after project completion, disturbed stream banks would be revegetated with woody vegetation to maintain soil stability and provide shade and future sources of instream large woody debris (LWD). Any seed used for revegetation shall be tested using standards of the Association of Official Seed Analysis (WSCIA 2003) and pass State standards for noxious weeds prior to use (WAC 16-302-100).
5. Wastewater from project activities and water removed from within the work area shall be routed to an area landward of the 100-year floodplain to allow removal of fine sediment and other contaminants prior to being discharged to the stream.
6. Stream banks shall be properly sloped to an angle of stability (natural repose) when removing culverts.
7. Leave all non-treated wood in the stream/lake/wetland (a measure designed to protect existing large woody debris in the stream channel).
8. Have hazardous spill clean-up materials and trained operators on site. Fuel trucks must also carry spill clean-up materials.
9. All machinery maintenance involving potential contaminants (fuel, oil, hydraulic fluid, etc.) shall occur at a site greater than 150 feet from stream channels, water bodies, or wetlands, or at a site approved by a Forest Service aquatic specialist. Equipment operated instream should be cleaned before beginning operations below the bankfull elevation to remove all external oil, grease, dirt, and mud.
10. Prior to starting work each day, check all machinery for leaks (fuel, oil, hydraulic fluid, etc.) and make all necessary repairs before leaving the vehicle staging area and entering a Riparian Reserve.
11. The disposition of down wood, such as blowdown or felled hazard trees would be determined based on the Forest woody debris policy with priority given to retaining onsite or stockpiled for use in restoration projects.
12. Minimize channel bank grading in order to re-vegetate and restore bank conditions.
13. Boundaries of the clearing limits associated with site access and construction shall be flagged to prevent ground disturbance of critical riparian vegetation, wetlands, and other sensitive sites beyond the flagged boundaries.
14. A site inspection shall be performed by a qualified biologist (USFS or WDFW) or their representative after project completion to assure that the project is progressing as planned and that there are no unintended consequences to fish, wildlife, plants, and their habitats.
15. Detailed inspections shall be made with the onset of the rainy season and immediately after the first heavy rain following construction. Any necessary corrective measures must be evaluated with respect

to their urgency and potential effects on listed species, and must be agreed upon by the Forest biologist or their representative before implementation.

16. Post-construction measures requiring ground disturbing work likely to cause erosion shall be implemented during the dry season of the year but still must fall within the WDFW spawn time work windows.
17. Move large woody debris at all streamside construction sites, and incorporate it into riprap where feasible, if this would protect structures and improve stream habitat.
18. During construction, all erosion controls should be inspected daily during the rainy season and weekly during the dry season to ensure they are working adequately. If inspection shows that any of the erosion controls are ineffective, work crews should be mobilized immediately to make repairs, install replacements, or install additional controls as necessary. Sediment should be removed from erosion controls once it has reached 1/3 of the exposed height of the control.
19. Any trees greater than 12 inches DBH to be felled within reach of a stream shall be considered for felling toward the stream and left in place or utilized to armor disturbed stream banks if feasible. If a Forest Service aquatic specialist determines the trees are not needed to meet current or future instream LWD objectives, they may be removed for use in instream aquatic improvement projects or other administrative uses, left on-site to improve terrestrial large woody habitat, or sold, after interdisciplinary review.
20. Stationary power equipment (e.g., generators, cranes) operated within 150 feet of any stream, water body, or wetland should be diapered to prevent leaks.
21. When breaking up natural (boulder/bedrock) or man-made (bridge decking, piers, or abutments) materials using hydraulic breaker, or test drilling, the following measures shall be done (when appropriate): a) preventing spoils from operations from entering the active channel; and b) monitor the under water sound/vibration effects of hydraulic breaker operations at the various horizontal distances from the site using underwater sound-detection equipment. See *Monitoring*, below.
22. Stabilize all work areas within three days following the construction period.
23. Site restoration and clean-up includes protection of bare earth by seeding, planting, mulching, and fertilizing. All damaged areas at the project site are to be restored to pre-work conditions including restoration of the pre-project channel bank slope and contours.
24. All projects shall comply with State water-quality standards (RCW 90.48) set forth by the WDOE.
25. After use, all temporary roads shall be closed and flood-proofed or shall be decommissioned.

Note: The 2005 version of the Memorandum of Understanding (MOU) between Washington Department of Fish and Wildlife (WDFW) and the USDA Forest Service, Region 6 serves as a Hydraulic Project Approval (HPA) for all the activities it covers (BO, page 12). All timing requirements for construction activities will be in accordance with the MOU.

Heritage Resources:

The following requirement comes from 36 CFR 800, implementing the National Historic Preservation Act.

1. If a previously unidentified heritage resource is discovered during project implementation, or if an identified resource is affected in an unanticipated way, the Forest Heritage Specialist will be notified and the Forest will fulfill its responsibilities in accordance with the Programmatic Agreement between the Forest Service and the State Historic Preservation Office (SHPO) regarding cultural resource management on National Forests in the State of Washington (1997).

Botany:

1. To prevent noxious weeds from entering the disturbed areas where reconstruction would occur, seed exposed soil with the following seed mix to prevent infestation by weed seed:

Soft white winter wheat (*Cultivar of Triticum aestivum*) @ 50 lbs per acre.

Slender wheat grass (*Elymus trachycaulis*) @ 20 lbs per acre.

Annual ryegrass (*Lolium multiflorum*) @ 20 lbs. per acre.

Austrian winter peas (*Pisum sativum arvense*) @ 5 lbs per acre.

There are no sources for native, watershed-specific, seed mixes. The seed mixes prescribed above are carefully researched to germinate well, grow quickly, and then die out over a 2 to 4 year period as the native vegetation becomes established.

2. Construction equipment should be free of weeds and weed seeds before entering the project sites.
3. All gravel, fill, quarry material, and borrow material must be weed free.
4. All straw used as mulch must be weed free and weed seed free.
5. Fertilizer is not recommended.

Recreation and Public Use and Access:

1. Construction haul traffic would be restricted to weekdays only, with no work on holidays.

Required Monitoring:

For the proposed repairs at mileposts 33.6 and 35.6, to meet the requirements of Reasonable and Prudent Measures from the October 28, 2005 Biological and Conference Opinion from National Marine Fisheries Service (NMFS) and the Terms and Conditions from the August 16, 2005 Biological Opinion and Conference Report from US Fish and Wildlife Service (USFWS): monitoring of turbidity and concussive disturbance to fish will be done. Refer to the specific Opinions for complete details (available in the project files).

At the repair sites at MP 33.6 and 35.6, background and project-generated turbidity will be measured at various distances from the project site and monitored while any in-water work is occurring; see Opinions for details. In addition, a hydrophone will be used to measure/monitor concussive disturbance to fish from the hydraulic rock-breaker and rock drill. Measurements will be taken at various distances from the hammering site, and within the wetted channel, with data collected at each distance. A report documenting implementation of the proposed action and compliance with terms and conditions will be prepared and submitted to both agencies.

Reasons for the Decision

I selected Alternative 2 because I believe that this alternative best meets the need for action (*EA page 6*), using a cost-efficient design that will minimize the risk of future washouts, lessen sediment delivery to aquatic habitats, and protect the free-flowing characteristics and outstandingly-remarkable values of the Wild and Scenic River, while minimizing effects to other resources. My decision will result in the reopening the nationally-recognized Mountain Loop National Forest Scenic Byway to seasonal motorized traffic. This roughly 50-mile loop is a premiere driving-for-pleasure destination located only 30 to 60 minutes from the greater Seattle metropolitan area. It is the only route of its kind on the Mt. Baker-Snoqualmie National Forest (*EA pages 1-3, 6, 135-143*).

In making my decision, I carefully reviewed the analysis and also the public comments received on the preliminary EA. I examined the management of the flood-damaged Mountain Loop in relationship to the goals and objectives of the Mt. Baker-Snoqualmie Land and Resource Management Plan (Forest Plan), as amended, which include managing the transportation system at the minimum standard needed to support planned uses and activities, and provide for public safety (*EA pages 6, 25*). I also considered the access needs and resource concerns noted in the Forest-wide Roads Analysis (*EA pages 3, 136*). In making my decision, I considered the responsiveness of the alternatives to the significant issues, other applicable laws, regulations, and policy, Tribal Treaty rights, and public input. I also looked the effects of implementing any of the alternatives—including no action—on the physical, biological, social, and economic environment, and at the costs for the repair.

I believe that Alternative 2 provides the best balance among these considerations. Implementation of my decision meets the need for action and is consistent with the goals, standards and guidelines of the Forest Plan, as amended. Implementing Alternative 2 will result in less impact to aquatic resources from sediment than no action (*EA pages 68-73*), and improved free-flowing condition of the South Fork Sauk River, compared to pre-flood conditions (*EA pages 106-110 and D-8*). Also, based on the design of this repair—realigning the damaged segments away from the river, tying the 60-foot long bridge at milepost 33.6 to bedrock, and using very large rock keyed into exposed bedrock to support the realigned road at MP 35.6—I believe that the repaired portions of the Mountain Loop will better withstand future flood events (*EA page 70*), a particular concern for a number of the public commenting on the Preliminary EA. At all four sites, the selected repairs do not simply replace the road in the existing alignment.

The effects to fish will be minor and short-term (less than one year) with no long-term effects (*EA pages 87-98, 90-92, 94-98*). The estimated changes to wildlife habitat and populations will be slight due to the small amount of habitat change (0.95 acre), with the change occurring in very small areas, separated by relatively large distances (*EA pages 115-118, 120-122*). Finally, the cost of my selected alternative is roughly half the amount estimated for Alternative 3 (*EA pages 41, 45, 57*).

How My Decision Addresses the Issue of Potential Effects to Fish and Fish Habitat in the South

Fork Sauk River: My decision responds to the concern for protection of threatened and endangered fish in a Tier 1 Key Watershed. Implementation of Alternative 2 will have minor, short-term (less than one-year) effects on fish and fish habitat and, following construction, no long-term direct or indirect effects to fish or fish habitat effect (*EA page 88-92*).

Implementing Alternative 2 will result in no appreciable erosion or sediment delivered to the South Fork Sauk River where it could affect fish and fish habitat (*EA pages 90-91*). The project is expected to produce less than 2 cubic yards of sediment (less than four pickup-truck loads) annually in the first year or two, then diminishing to insignificant amounts in following years. This is compared to 3,260 cubic yards of annual background sediment of the Sauk River above Elliott Creek (*EA page 70*). Ten miles downstream from the lower repair site at MP 35.6, at the confluence of the Sauk and White Chuck Rivers, the small amount of suspended sediment that could potentially enter the river would be indistinguishable from other sediment picked up between the North Fork Sauk and the White Chuck Rivers (*EA pages 75-77, 90-92*). The prescribed erosion and sediment mitigation measures are estimated to be very effective, based both on the current research and years of specialist's field experience on the MBS (*EA page 90*).

By moving the road prism away from the river—plus anchoring the bridge at MP 33.6 to bedrock and keying the road foundation rock at MP 35.6 to bedrock—the potential for future road prism failures is reduced. At three of the four repair sites, there will either be no large rock rip-rap used (MP 33.1 and 34.8) or all project work will be above the river bed and the ordinary high water mark (MP 35.6). At MP 33.6, there is the risk that placement of the very large rock along a maximum of 50 linear-feet of streambank could harm fish or cause them to flee, though most fish would avoid the construction site (*EA page 92*). There could also be very short-term (two to five days total) effects (fish harm or harassment) from the hydraulic rock breaker working on the adjacent river bank [not in the water] to prepare bedrock at MP 33.6 and 35.6. The spatial extent of these short-term effects is estimated at 300 feet of river channel immediately below the repair sites (*EA page 92*). Mitigation measures to minimize effects (plus required monitoring) are included in my decision (see **Mitigation**, above).

Consultation has been completed with NMFS for Chinook salmon and with USFWS for bull trout (also see **Other Findings Required by Law and Regulation**, below). The determination was made that at MP 33.1 and 34.8, the project would *Not Likely to Adversely Affect* either Chinook or bull trout, nor would the repair adversely affect critical habitat (*EA page 88*). At MP 33.6 and 35.6, the risk determinations to fish species were *Likely to Adversely Affect*. Effects were noted as being short-term and the Biological Opinion and Conference Report stated that the actions at these mileposts would not likely jeopardize the continued existence of Chinook salmon or bull trout, or result in the destruction or adverse modifications of critical habitat (*EA pages 88-89*). Both NMFS and USFWS issued incidental-take statements that describe measures to minimize the amount of incidental take and prescribe on-site monitoring and post-construction evaluation. These are included as part of my decision (*EA pages 50-53*; and **Mitigation**, above).

Finally, a total of 0.95 acres of vegetation will be disturbed (total for all four sites) in realigning the road away from the river. With few exceptions (including several large trees over 20 inches DBH at

MP 35.6), the trees to be removed are small—eight-inches DBH or less. As they are located on the opposite side of the road from the river, they are not currently shading the active river channel and their removal will not affect stream temperatures in the South Fork Sauk River (*EA pages 73, 91*).

How My Decision Addresses the Issue of Potential Effects to Free-Flowing Nature of the South

Fork Sauk River: My decision responds to the concern that the proposed road repairs may encroach on the active river channel and affect the free-flowing characteristics of the South Fork Sauk River. Only the repairs that will be made at milepost 33.6 meet the definition of a water resources project (*EA pages 106, Appendix D, page D-1*). Repair site 33.1 is outside of the Wild and Scenic corridor. At milepost 34.8, no rip-rap or similar structures will be placed within the river’s bed or banks (*EA page 110*); at MP 35.6, all project work will be above the river bed and above the ordinary high water mark.

For the repair at MP 33.6, a Wild and Scenic Rivers Act Section 7(a) determination was completed for this project (*EA page 106 and Appendix D*). The effects of the proposed repair on the following were analyzed: channel conditions, water quality, riparian and floodplain conditions, upland and offsite conditions, hydrologic and biologic processes, free-flowing condition, time scale of effects, and effects on the outstandingly remarkable values of fishery, wildlife, and scenery. As a result of this analysis, Forest Supervisor Y. Robert Iwamoto determined that the proposed repair will not have a direct and adverse effect on the values for which the Sauk was designated a Wild and Scenic River. The proposed activity will not change the free-flowing condition and the project will not affect the outstandingly remarkable values of the river. The free-flowing condition is improved over that which existed prior to the October 2003 floods when the entire 300 foot section at Mile Post 33.6 was rip-rapped. The river would have full capacity to change course, reoccupy former side-channels, or inundate the floodplain (*EA page 110, Appendix D, page D-11*).

How My Decision Addresses Other Issues

Wildlife: Effects to the Late Successional Reserve (LSR): The repair site at milepost 33.1 is located in Late Successional Reserve # 116 (*EA pages 23, 118*). Most of this 110,000 acre LSR is old-growth habitat (62 percent). My decision will result in the removal of 0.95 acre of mid-successional forest (mixed conifer/deciduous up to 70 years in age) and will have no effect on late-successional forest; implementation will be neutral to the functioning of the LSR (*EA page 118*). The size of areas where vegetation will be removed are smaller than the natural gaps that commonly occur within old-growth forests that provide nesting habitat for both northern spotted owl and marbled murrelet (*EA page 123*).

Although the vegetation types could develop into old growth forest capable of supporting nesting activities of both species, the area to be disturbed is too small to be meaningful to these species. Since no suitable spotted owl and marbled murrelet habitat would be affected, Alternative 2 would not add cumulatively to past reductions in habitat area that led to the listing of the two species (*EA page 123*). In this LSR, no spotted owl or marbled murrelet nesting habitat has been harvested for the past 15 years and, combined with road decommissioning, habitat recovery has been occurring. The loss of less than one acre that currently does not provide habitat for either species will not reverse a trend towards improved conditions (*EA pages 124, 126*). See **Finding of No Significant Impact**, Factors 1 and 9,

and **Other Findings Required by Law or Regulation**, below, for more discussion on my decision and wildlife.

How my Decision Addresses the Issue of Road Design, Potential for Repair Sties to Washout Again: As discussed above, the repair design of this alternative will result in a road constructed on a more stable road base, better able to withstand future flood events (*EA page 70*). At all four damaged sites, the repairs do not replace the road in the existing alignment, protected by rip-rap, as was the typical design in most earlier repairs along the Mountain Loop. Note that MP 33.6 is the only site of the four damaged in 2003 to have incurred previous damage since the ERFO flood-database was established in 1974 (*EA page 5, Appendix B*).

Where large foundation rocks are to be used to protect the upstream retaining wall and approach for the new bridge at milepost 33.6, rocks will be 4.5 to 5-foot in diameter and weigh 8,000 to 14,000 pounds, to meet 100-year flood event design requirements. This section of rip-rap will be keyed in between a very large upstream boulder and along exposed bedrock and the retaining wall. Using material of this size will offset the power of the river and provide channel roughness to dissipate lateral scour potential (*EA page 70*). This rip-rap will prevent bank erosion, though there is very little opportunity for river channel migration at this site, due to the very large boulders and bedrock (*EA pages 72, 108*). The bridge abutments will be tied to bedrock and will be above most flood levels. The remainder of the damaged road at MP 33.6 will be moved 10 to 20 feet into the hillside, away from the river (and kept at single-lane width) (*EA page 42*).

At mileposts 33.1 and 34.8, where the road sits on a terrace above the river, my decision will result in realignment away from the South Fork Sauk with no rip-rap added. There is the possibility that future floods could cause erosion at these sites (with no rock added) but with the road prism further from the river, any road-related sediment would be minimal, especially compared to a no-repair alternative (*EA pages 71-73*).

At MP 35.6, the Mountain Loop will be moved about 20 feet into the hillside and built up on a base of large rock, keyed-in between existing bedrock veins that protrude into the river. This method—placing large rock on bedrock (shaped into a relatively flat surface)—will prevent the undermining that could occur if rock were placed in the streambed. The elevation of the base of the rock will be out of the bank-full elevation of the South Fork Sauk River (above the ordinary high water mark). The only time the water will touch these large rocks will be during high water events (*EA pages 70, 73*).

All Alternatives Considered in Detail

Two action alternatives and the no action alternative were analyzed in detail in the EA, along with six alternatives that were considered but eliminated from detailed study (*EA pages 34-49*).

Alternative 1- No Action: There would be no repairs made to the Mountain Loop; the road would be permanently blocked at Monte Cristo Lake and Bedal Creek (*EA page 41*). I did not select this alternative because it does not meet the need to restore motorized access to a standard consistent with the Forest Plan, as amended and current road management objectives. The Mountain Loop National Forest Scenic Byway would no longer be a loop drive for thousands of visitors. In heavy snow years,

when the Byway is left unplowed over Barlow Pass, there would be no winter access for snowmobiles and most other recreationists. There would be no access from the Granite Falls side for private landowners near Bedal Creek, or for Forest Service administrators. Dispersed recreation use would still occur, but would be limited to those capable of walking. Finally, without repair, the damaged sections of the road would continue to washout during large flood events, with the potential for an estimated 369 cubic yards (498 tons) of sediment entering the South Fork Sauk River. If this amount of material entered the river all at once, in a very high flow, there would be enough change in sediment load to cause channel changes and affect fish habitat—both spawning areas and rearing pools (*EA pages 68-69, 89*).

Alternative 2 - Selected Alternative: As described above (see *Decision*), implementation of this alternative would include realigning the damaged sections of the Mountain Loop away from the South Fork Sauk River and construction of one, 60-foot bridge at milepost 33.6, around the point of a bedrock cliff, to span a portion of the road washout.

Alternative 3: This alternative would repair the road damage at mileposts 33.1 and 34.8 as described in Alternative 2. At MP 33.6 and 35.6, long, multi-span bridges would be constructed over the entire length of the damaged roadway: roughly 300-foot long at MP 33.6 and 400-foot long at MP 35.6 (*EA pages 45-49*). The roadbed would be essentially in the same location as the old road, but the bridge superstructures would be elevated above the river channel, allowing any future high water to flow under them. While this alternative would remove less vegetation, as no new cut slopes would be needed at mileposts 33.6 and 35.6 (a total of 0.4 acres of trees removed compared to 0.95 for Alternative 2), I did not select this alternative for several reasons. There would be the potential for more sediment to be introduced into the South Fork Sauk from the temporary work roads needed for bridge construction and also from their removal: up to 43.6 cubic yards of sediment per year for the first year or two (then diminishing to insignificant amounts), compared to 1.8 cubic yards for the first year or two in Alternative 2 (*EA Table 4*). The duration of effects to fish would be slightly longer than in my selected alternative, but still very short-term (*EA pages 92-94*). Finally, I did not select this alternative because the estimated costs—\$1,000,000 to \$2,000,000—would be considerably higher than the cost estimates for my selected alternative (\$500,000 to \$700,000) (*EA page 57*).

Public Involvement

Government-to-government consultation and tribal notification was initiated in January 2004; the public was notified in February 2004. This proposed action was mailed along with other flood-related proposed actions to nine Tribes, and over 457 individuals. Twenty-nine articles regarding the flood damaged roads, trails, and meetings appeared in local newspapers. Two public meetings were held (*EA, page 31*). The public was asked to provide any information that would help the agency in developing this project proposal. The Mt. Baker-Snoqualmie website also presented information regarding the 2003 floods, maps, and contact information.

Comments on the proposal were received from 27 respondents, including: Washington State Department of Fish and Wildlife; the Swinomish Tribal Community; the Sauk-Suiattle Indian Tribe; groups and organizations; and individuals (including private land owners who live along the Byway).

(*EA page 31 and Appendix A*). These initial comments focused primarily on two points of view: repair the Mountain Loop (it is needed for recreation access, access to private property, is a major, national tourist attraction, and supports the local economy) and do not repair it (rebuilding is inconsistent with the Wild and Scenic River, it will wash out again, and it should be closed due to fragmentation of habitat). A few commenters requested that the road be relocated. There was also interest in converting the damaged segment of the Mountain Loop Byway to a trail. Tribal comments included encouraging the Forest Service to pursue salmon-friendly solutions to the repair. All of these issues were addressed in the analysis (*EA Appendix A*).

Public comments were considered throughout the process of developing the preliminary EA. The Preliminary EA was made available for public review and comment for a 30-day period from May 15, 2005 through June 15, 2005. The complete document was also made available on the MBS website. By the end of the comment period, a total of 16 individuals/organizations/Tribes provided over 80 substantive comments (*EA page 31*). Names of those providing substantive comments within the time period are included in *Appendix A*.

I have reviewed and considered all substantive comments received in response to the Preliminary EA, and have used these comments to enhance the project analysis. For example, in response to comments from Steve Hinton (Skagit River System Cooperative), Mark Bardsley (North Cascades Conservation Council), William Lider, and others, the analysis of effects on aquatic resources and fisheries has been enhanced (*EA pages 58-97*). A more complete flood history for the area has been added (*EA pages 3-5, 60-65, Appendix B*). Comments regarding potential impacts to the Wild and Scenic River also received attention: the MP 33.6 repair site is very near the terminal boundary of the Wild and Scenic River corridor at Elliott Creek (which is unsurveyed); therefore, for this analysis, MP 33.6 was treated as if it is within the corridor (*EA pages 103-111, Appendix D*). To respond to comments from Jim Scarborough, Katherine Johnson (Pilchuck Audubon), and others, wildlife maps have been added as Appendix E. Refer to the project files for a table of the substantive comments received.

Finding of No Significant Impact

I have determined through the environmental analysis that the activities included in my decision (Alternative 2) are not a major federal action, individually or cumulatively, that will not significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors:

In terms of context (40 CFR 1508.27(a)):

This project is site-specific to the Mountain Loop National Forest Scenic Byway (Forest Road 20) repairs and, by itself, does not have international, national, region-wide or statewide importance. Resource commitments include common rock and gravel for the road (*EA page 150*). The loss of 0.95 acre of mixed forest for the road realignment is an irretrievable loss of tree growth and wildlife habitat (*EA pages 116, 120, 150*).

In Terms of Intensity (40 CFR 1508.27(b)):

1. Impacts can be both beneficial and adverse. For this project, there are no known adverse effects or cumulative effects to stream temperature or water quality (*EA pages 73-74*), channel changes (*EA page 73*), riparian resources (*EA pages 99-102*), plants (*EA pages 128-129*), heritage or Treaty resources (*EA pages 132-133*), visual resources (*EA pages 134-135*), or to most affected wildlife species found in the project area, including grizzly bear, gray wolf, lynx, mountain goat, deer and elk, pine marten, land birds, Townsend's big-eared bat, woodpeckers, and more (*EA pages 116-126*).

There may be very short-term effects to bald eagles from potential displacement of a very small numbers of eagles during the first weeks of November, if they are present while construction is ongoing (*EA pages 124-125*). Consultation has been completed and the determination is *Not Likely to Adversely Affect* (*EA page 116*).

Short-term noise disturbance during the actual construction may adversely affect northern spotted owls and marbled murrelet; consultation has been completed and mitigation measures for marbled murrelet are included in my decision (*EA pages 50, 116, 120-122*). Cumulatively, with other road decommissioning in the area and no harvest of owl or murrelet critical habitat in the LSR in the past 15 years, the trend has been an increase in potential nesting habitat for both owls and murrelets and recent improved condition of critical habitat for both species. My decision would not reduce that trend (*EA pages 123-124, 126*). Implementing my selected alternative may affect but would not adversely affect critical habitat for marbled murrelet and would have no effect on northern spotted owl critical habitat (*EA page 115*).

My decision will result in minor, short-term (less than one year) effects on fish and fish habitat but no long-term direct or indirect effects. Short-term effects include possible fish harm or harassment due to underwater sound wave generation from the hydraulic rock-breaker at mileposts 33.6 and 35.6. The duration of these effects will be two to five days during project construction (*EA pages 90-91, 91-92*). The spatial extent of these short-term effects is up to 300 feet of river channel immediately below the repair site (*EA page 92*). Consultation has been completed and mitigation measures and monitoring are included in my decision (see above and *EA pages 88-89, and 50-53*). Any sediment from project work that reaches the South Fork Sauk River will be minor and short-term: an estimated 1.8 cubic yards, or less than four pickup-truck loads, annually for the first two years, then diminishing to an insignificant amount after that. (*EA pages 70-73, 90-91*). About two miles downstream from the lower site at MP 35.6, the small amount of suspended sediment would mix and be diluted by additional material carried by the larger North Fork Sauk River. By the time the small amount of project suspended-sediment reaches the confluence of the Sauk and White Chuck Rivers (about 10 miles downstream from MP 35.6), it would be completely masked by the turbidity of the glacial sediments of the White Chuck River, and not measurable (*EA pages 75-77, 90-91*).

Implementing this decision will not adversely affect the free-flowing conditions of the Sauk Wild and Scenic River, water quality, or the outstandingly-remarkable values for which the river was

designated and conditions in the floodplain would be improved over pre-flood conditions (*EA pages 106, 108-110,111, Appendix D*).

My decision will restore wheeled vehicle access on this National Forest Scenic Byway (and winter access for snowmobiles, cross-country skiing, and more) and should return recreation use levels and revenues at Bedal Campground to pre-flood levels, and contribute to bringing recreation visitor dollars back to the local community (*EA pages 145-147*).

Finally, implementation of selected Alternative 2 will have no effect in Inventoried Roadless Areas, unroaded acres [the project is a road repair], and no direct effect on the nearby Henry M. Jackson Wilderness; indirectly, repairing the Mountain Loop will again establish easier access to Trail # 647 to Goat Lake, just inside the wilderness boundary (though use impacts at the lake have been decreasing) (*EA pages 147-148*).

2. With the mitigation measures incorporated into my decision and the selected repair design, my decision will not adversely affect public health or safety. The Mountain Loop will be repaired for public access, with upgraded drainage structures and a more stable roadbed that will better withstand future flood events, and should benefit public safety for those who use it (*EA page 70*).
3. The Mountain Loop road repair is not located in prime farmland or rangeland, and would have no measurable impact on prime forestland, should it be found in the project area (*EA page 149*). My decision will result in no measurable effect on riparian function; the removal of 0.95 acres of vegetation equals less than one-percent of the Riparian Reserve in the immediate project area (*EA page 100*). Most of the vegetation between the road and the river has been removed by previous floods; my decision includes drainage structures (ditches or in-sloping of the road) on the hill-slope side of the road that will carry road runoff to vegetated areas on either side of the road repairs, filtering out contaminants and preserving water quality (*EA page 100*).

My decision will have no effects to known heritage resources or historic properties (*EA page 131-133*) and it is in compliance with Section 106 of the National Historic Preservation Act under the terms of the 1997 Programmatic Agreement between the Advisory Council for Historic Preservation, the Washington State Historic Preservation Office, and the Forest Service. Mitigation measures included in my decision will fully meet requirements of 36 CFR 800 implementing the National Historic Preservation Act, if a previously unidentified heritage resource is discovered during project implementation (*EA pages 53, 132*).

Implementing this decision will not adversely affect the free-flowing conditions of the Sauk Wild and Scenic River, water quality, or the outstandingly-remarkable values for which the river was designated and conditions in the floodplain would be improved over pre-flood conditions. A Wild and Scenic Rivers Act Section 7(a) Determination has been completed for the one repair site that meets the definition of a water resources project, subject to the provisions of said section (*EA pages 106, 108-111, Appendix D*).

4. The effects of the Mountain Loop Byway repair project are only somewhat controversial among a small segment of the local population (*substantive comments, project files*); however, the effects are well understood.
5. The possible effects on the human environment are not highly uncertain, nor do they involve unique or unknown risks. The effects disclosed throughout Chapter 3 of the EA are based on sound scientific research, as well as previous experience in the basin and on the Forest (*EA Chapter 3, Environmental Effects sections*).
6. The action is unlikely to establish a precedent for future actions with significant effects or to represent a decision in principle about a future consideration. This action is not unusual and does not lead to further action that is unique.
7. The effects of my decision were analyzed in relation to other actions with individually insignificant effects. There are no significant cumulative effects between the Mountain Loop Byway repair and other projects implemented or planned (*EA pages 75-81, 94-98, 101-102, 111, 123-126, 128-129, 133, 135, 146-147*).
8. My decision will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places and will not cause loss or destruction of significant scientific, cultural, or historic resources (*EA pages 131-133*). Also see Factor 3, above.
9. My decision is consistent with the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act. Consultation has been completed with NMFS for Chinook salmon and with USFWS for bull trout, with determinations made for MP 33.1 and 34.8 of *Not Likely to Adversely Affect* and no adverse effect on Chinook critical habitat. At MP 33.6 and 35.6, the risk determinations were *Likely to Adversely Affect*, for short-term effects. The actions at these repair sites will not likely jeopardize the continued existence of Chinook salmon or bull trout, or result in the destruction or adverse modifications of critical habitat (*EA page 88-89*). Incidental take statements were issued, and required mitigation measures and monitoring are included in my decision; see **Mitigation**, above.

Consultation with USFWS has been completed for federally-listed wildlife species (see **Other Findings Required by Law or Regulation**, below). My decision will have *No Effect* on grizzly bear, gray wolf, lynx, or northern spotted owl Critical Habitat (*EA pages 116-117*). The effects determination for northern spotted owl and marbled murrelet is *Likely to Adversely Affect*, for short-term noise disturbance (during the construction phase); incidental take for noise has been granted (*EA page 116*). The effects determination for marble murrelet Critical Habitat, and bald eagle is *Not Likely to Adversely Affect* (*EA page 116*).

On March 29, 2006, the NMFS announced it was proposing to list the Puget Sound steelhead “distinct population segment” as threatened under the Endangered Species Act. A public comment period runs through June 27, 2006. If the proposed steelhead listing is finalized after project

implementation begins, the Forest Service will do a 7(d) non-jeopardy determination with a letter to the files, and at the same time request re-initiation of consultation with NMFS to determine the appropriate effect call and any additional conservation measures that might be needed to minimize impacts to steelhead, over and above those already in place for Chinook and bull trout. (Also, see *EA pages 82-83.*)

10. As described below, my decision does not threaten to violate any Federal, State, and local laws or requirements for the protection of the environment.

Other Findings Required by Law or Regulation

National Environmental Policy Act (NEPA): NEPA establishes the process and content requirements of environmental analysis and documentation for projects such as the Mountain Loop National Forest Scenic Byway Road Repair EA. I find that the entire process of analysis and preparation of this EA was undertaken in accordance with the regulations outlined in 40 CFR Parts 1500-1508, FSM 1950 and FSH 1909.15. There were a number of opportunities for public involvement during the course of the analysis (*EA page 31, Appendix A, and Public Involvement*, above). I used the comments received during scoping and in response to the Preliminary EA to make my decision.

National Forest Management Act (NFMA): I have reviewed the project and find Alternative 2 to be consistent with the goals, objectives, standards and guidelines of the Land and Resource Management Plan for the Mt. Baker-Snoqualmie National Forest (Forest Plan), as amended (see *EA page 22* for major amendments). The action will not alter the multiple-use goals and objectives for long-term land and resource management.

My decision is consistent with applicable Riparian Reserve standards and guidelines (*EA pages 25-26, 99-102*). Watershed analysis has been completed for this Tier 1 Key Watershed, the *Sauk River and Sauk River Forks Watershed Analysis, 1996 (EA pages 27, 98-99)*. Relevant information and recommendations from the analysis were used in the design and assessment of this project. All repair sites are within Riparian Reserve (plus LSR at milepost 33.1 and Wild and Scenic River at MP 33.6, 34.8, and 35.6). Repairing the damage on the Mountain Loop will better accommodate a 100-year flood and result in less rip-rap along the banks of the South Fork Sauk River than the pre-flood condition. The road will be constructed on a more stable base, with a reduced threat of introduced sediment into the river, and no have measurable effect on riparian function from the removal of 0.95 acres of vegetation (*EA pages 67, 70, 100-101*). My decision will result in no change in road densities, which are currently quite-low in this fifth-field watershed—roughly 0.31 miles per square mile (*EA page 101*). I find that my selected Alternative 2 is designed to contribute to maintaining and restoring the fifth-field watershed over the long term (as per USDA, USDI 2004).

My decision is consistent with current direction contained in the January 2001 Record of Decision that amended the standards and guidelines for Survey and Manage plant and animal species (including protection buffer species and other mitigation measures), as modified or amended as of March 21, 2004. The last modification was the December 2003 Interagency Annual Species Review. (This 2001 ROD was reinstated via U.S. District Court order on January 9, 2006.) Botanical surveys of the project

area were completed to current protocol and no Survey and Manage [or sensitive] species were found; therefore, there will be no effects to these species (*EA pages 127-128*). For Survey and Manage animals: the Mountain Loop repair sites are within the habitat range of two terrestrial species, both mollusks. There are no known sites on the MBS for one (*Hemphillia glandulosa*) (*EA pages 115-116*). For the other (*Cryptomastix devia*), the repair sites are located at elevations outside of the suitable habitat for this species and no suitable habitat exists at the repair sites, therefore there will be no effects (*EA pages 115, 116*).

Endangered Species Act and Magnuson-Stevens Fishery Conservation and Management Act: My decision is consistent with the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act. Consultation has been completed with NMFS for Chinook salmon and with USFWS for bull trout. The determination was made that, at MP 33.1 and 34.8, the project will *Not Likely to Adversely Affect* either Chinook or bull trout, nor would the repair adversely affect Chinook critical habitat (*EA page 88-89*). At MP 33.6 and 35.6, the risk determinations to fish species were *Likely to Adversely Affect*; effects were noted as being short-term and the Biological Opinion and Conference Report stated that the actions at these mileposts would not likely jeopardize the continued existence of Chinook salmon or bull trout, or result in the destruction or adverse modifications of critical habitat (*EA page 88-89*). Both NMFS and USFWS issued incidental-take statements that describe measures to minimize the amount of incidental take and prescribe on-site monitoring and post-construction evaluation (included in the decision; see **Mitigation**, above).

Consultation with USFWS has been completed; see Biological Opinion for the 5-Year Programmatic Biological Assessment for Forest Management on the MBS (2002), and signed Level 1 Project Consistency Evaluations for the Mountain Loop project (January 2005 and March 2006). Alternative 2 will have *No Effect* on grizzly bear, gray wolf, or lynx (*EA page 117*). The effects determination for Northern spotted owl and marbled murrelet is *Likely to Adversely Affect*, for short-term noise disturbance; the Programmatic BO grants incidental take for noise (*EA page 116*). The effects determination for owl Critical Habitat is *No Effect*; for marble murrelet Critical Habitat, the determination is *Not Likely to Adversely Affect*. Finally, for bald eagle, Alternative 2 was determined to *Not Likely to Adversely Affect* (*EA page 116*).

National Historic Preservation Act: The Mountain Loop project has been determined to meet the definition of an “undertaking” pursuant to Section 301(7) of the National Historic Preservation Act. Surveys have been completed and no resources eligible for the National Register of Historic Places (no “historic properties”) were located within the Area of Potential Effect (*EA pages 131-132*). Documentation of findings has been forwarded to State Historic Preservation Officer, pursuant to the Programmatic Agreement regarding cultural resources management on national forests in the State of Washington (USDA Forest Service, Advisory Council on Historic Preservation, and Washington State Historic Preservation Officer (SHPO) (Section 800.13, implementing Section 106 of the NHPA).

Wild and Scenic Rivers Act: My decision is consistent with the Wild and Scenic Rivers Act: three of the repair sites fall within the Skagit Wild and Scenic River corridor on the South Fork Sauk River. The repair activities at milepost 33.6 are within the bed and bank of the river, and are subject to the provisions of Section 7(a) of the Act. A Section 7(a) Determination has been completed (*EA pages*

106, 108-111, and full Determination in Appendix D). Implementing this decision will not adversely affect the free-flowing conditions of the Sauk Wild and Scenic River, water quality, or the outstandingly-remarkable values for which the river was designated. In addition, conditions in the floodplain and the free-flowing condition will be improved over the pre-flood condition, when the entire 250-foot section of the road at MP 33.6 was rip-rapped (*EA page 106, 108, Appendix D, page D-11*).

Clean Air Act: My decision is consistent with the Clean Air Act. No burning is planned as part of this road repair; any dust would be short-term in duration and very site-specific to the four repair sites, with no effects past the construction phase (*EA page 149*).

Clean Water Act: No portions of streams in the project area have been listed by the Washington State Department of Ecology as impaired for some aspect of water quality under the Clean Water Act (303(d)) (*EA page 65, 67*). Implementation of my decision will incorporate conservation measures and Best Management Practices, described in the Mitigation Measures, Management Requirements, and Monitoring (*EA pages 49-52*) which will protect and maintain water quality conditions (*EA pages 67, 70-74*). It is anticipated that only minor amounts of sediment would actually enter the river (*EA pages 70-71*).

Invasive Species Management: This decision is consistent with both Forest and Regional direction regarding invasive species management. The EA tiers to the Pacific Northwest Region Final Environmental Impact Statement for the Invasive Plan Program (2005) that amended the MBS Forest Plan. This project is intended to comply with the new management direction; prevention strategies and Best Management Practices to prevent noxious weed introduction and spread are incorporated into the mitigation measures (*EA pages 30, 53*).

Roads Analysis: FSM 7712.15 provides that decisions made after January 12, 2002, must be informed by a roads analysis unless the Responsible Official determines that such analysis is not needed. I have reviewed the roads analysis and potential environmental and access effects associated with this project (*EA pages 3, 6, 28*) and have determined that I was sufficiently informed (Forest-wide Roads Analysis, Mt. Baker-Snoqualmie National Forest, 2003).

Appeal Rights, Implementation, Contact Person

This decision is subject to appeal pursuant to Regulations at 36 CFR 215.7. Appeals must be fully consistent with 36 CFR 215.14, Appeal Content. The notice of appeal must be postmarked or delivered within 45 days of the date legal notice of this decision is published in The Herald. The publication date of the legal notice in The Herald is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

The notice of appeal may be filed hard copy, hand delivered, FAXed, or sent electronically to:

Forest Supervisor, Appeal Deciding Officer
ATTN: 1570 Appeals
21905 64th Avenue West
Mountlake Terrace, WA 98043

Business hours are 8:00 am to 4:30 pm, Monday through Friday except legal holidays.

FAX (425) 744-3255, email: appeals-pacificnorthwest.rufbaker.snoqualmie@fs.fed.us

Electronic appeals must be submitted with scanned signature, as part of the actual email message or as an attachment in Microsoft Word, rich text format, or portable document format only. Emails submitted to email addresses other than the one listed above, or in formats other than those listed, or containing viruses will be rejected. Only individuals or organizations who submitted substantive comments during the 30-day comment period for the Preliminary EA may appeal (36 CFR 215.13).

If no appeal is filed within the 45-day time period, implementation of this decision may begin on the 5th business day following the close of the appeal-filing period (35 CFR 215.9). If an appeal is received, the project may not be implemented for 15 days after the appeal decision.

For further information, contact:

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(360) 436-1155



PHYLLIS REED
District Ranger

7/14/06
Date