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THE MOUNTAINEERS ♦ THE WILDERNESS SOCIETY ♦ WASHINGTON WILD ♦

March 5, 2015

Erin Uloth, District Ranger
Mt. Baker Ranger District
Mt. Baker Snoqualmie National Forest
810 State Route 20
Sedro-Woolley, WA 98284-1263

Submitted electronically to: comments-pacificnorthwest-mtbaker-snoqualmie-mtbaker@fs.fed.us

Re: Mt. Baker Geothermal Consent to Lease Draft Environmental Assessment Comments

Dear Ms. Uloth,

On behalf of the 12 undersigned organizations and the tens of thousands of forest users, Washington residents and federal taxpayers which they represent, we are submitting written comments on the Mt. Baker Geothermal Consent to Lease Draft Environmental Assessment.

Our organizations support efforts to responsibly develop renewable energy resources as the Northwest continues to wean itself off of non-renewable fossil fuels in an effort to do its part to mitigate climate change. We recognize that geothermal energy has important potential benefits in this regard as its development is now being pioneered here in Washington State.

However, we also feel strongly that renewable energy development is not appropriate everywhere, or at any cost. For example, areas that boast some of the last best wildlife habitat and connectivity or wild intact ancient forests are not compatible with geothermal development or even certain levels of exploratory drilling. In addition, landscapes where significant resources have been invested to restore watersheds for healthy fish populations and clean and safe drinking water significantly bias a cost/benefit analysis against development.

We appreciate that the following areas have been removed from the project area because they are excluded from mineral leasing, either by Statute or Forest Plan direction.

- Mt. Baker Wilderness
- Mt. Baker National Recreation Area
- Sulphur Creek Botanical Area
- North Fork Nooksack Research Natural Area.

Stipulations Identified in the Proposed Action

We appreciate the proposed action identifying several No Surface Occupancy (NSO) Stipulations as identified on pg. 24-25 in the Draft EIS. All of the below NSO stipulations are consistent with our previously submitted scoping comments:

- **Designated or Proposed Critical Habitat:** Designated or proposed critical habitat for listed species under the Endangered Species Act of 1973 (as amended) if activities would adversely modify the habitat. For listed or proposed species without designated habitat, NSO would be implemented to the extent necessary to minimize or avoid adverse impacts.
- **Recommended Wild and Scenic Rivers:** Segments of rivers determined to be suitable for Wild and Scenic Rivers (WSR) status by virtue of a WSR inventory, including a corridor of 0.25 miles from the high water mark on either side of the bank
- **Steep Slopes:** Slopes in excess of 40 percent and/or soils with high erosion potential (Soil Class S-8, Unstable and Very Unstable).
- **Riparian Reserves:** Water bodies, Riparian Reserves, wetlands, playas, and 100-year floodplains (as defined by the NWFP).
- **Recreation Facilities:** Developed recreational facilities, special-use permit recreation sites (e.g., ski resorts and camps), and areas with recreational use with which geothermal development is deemed incompatible; excluding direct use applications. Within the Project Area there are eight developed campgrounds, several high use dispersed sites with facilities such as toilets, picnic tables, information boards and trash receptacles, 13 trailheads, two official viewpoints and one fire lookout
- **Historic Sites:** Within the boundary of properties designated or eligible for the National Register of Historic Places, including National Landmarks and National Register Districts and Sites; and additional lands outside the designated boundaries to the extent necessary to protect values where the setting and integrity is critical to their designation or eligibility.
- **Cultural Sites:** Areas with important cultural and archaeological resources, such as traditional cultural properties
- **Viewsheds:** Designated important viewsheds, including NFS lands with a Scenery Management System visual integrity level of Very High (MA-1A, Primitive Areas).

Remaining Concerns

I. Eligible Wild and Scenic Rivers Should Be Applied a No Surface Occupancy Lease Stipulation

As referenced above we appreciate that the Draft EA proposed action provides a No Surface Occupancy (NSO) stipulation for the ¼ mile corridor around those rivers found suitable (or recommended) under the 1990 Mt. Baker Snoqualmie Forest Land and Resource Management Plan. The NSO stipulation is applied to protect the outstandingly remarkable values identified for the river segments when they were found to be eligible. These rivers include Baker River, North Fork Nooksack River, South Fork Nooksack River and Bell Creek.

However, the Draft EA is contradictory as to whether or not the proposed action applies a NSO stipulation to those rivers that were found “eligible” under the 1990 Mt. Baker Snoqualmie Forest Land and Resource Management Plan (but not studied for suitability or recommended).

On pg. 24 of the Draft EA it list eligible rivers (not just recommended rivers) as those attributes meriting an NSO stipulation.

“Segments of rivers determined to be potentially eligible for Wild and Scenic Rivers (WSR) status by virtue of a WSR inventory, including a corridor of 0.25 miles from the high water mark on either side of the bank (MA’s 5A, 5B, 5C).”

In Appendix C, pg. ii, the draft EA reiterates a NSO stipulation for wild and scenic rivers defined as, “Segment of rivers determined to be potentially eligible (recommended) for Wild and Scenic Rivers (WSR) status by virtue of a WSR inventory.” The statement includes the following clarification as a footnote:

“Where a river or river segment has been found to be “eligible” for inclusion in the WSR system, the BLM has the obligation to protect the lands along the eligible segment until a “suitability” determination has been made as part of the land use planning process. If the river or river segment is found to be “non-suitable,” the lands along the river then would be available for other uses.”

In contrast, on pg. 69 of the Draft EA it identifies only those rivers recommended (or found suitable) as having a NSO stipulation including the Baker River, North Fork Nooksack River, South Fork Nooksack River and Bell Creek .

The 2008 programmatic EIS developed by the BLM clearly indicates that rivers found eligible by the agency (in addition to those found suitable or designated by Congress) should be applied a No Surface Occupancy lease stipulation within a .25 mile corridor on either side of the relevant river sections.

“Segments of rivers determined to be potentially eligible for Wild and Scenic Rivers (WSR) status by virtue of a WSR inventory, including a corridor of 0.25 miles from the high water mark on either side of the bank.”¹

In the case that a river was found eligible and studied for suitability but found to not be suitable, we appreciate the argument that those rivers segments would be “available for other uses.” According to the Draft EA on pg. 69 the two river segments in this category include the Middle Fork Nooksack River and Wells Creek:

“Segments of the Middle Fork Nooksack River and Wells Creek were studied for possible recommendation but found not to be suitable for WSR designation and therefore not included in the official recommendation.”

This leaves the Blum, Noisy and Diobsud Creeks as segments that were found eligible under the 1990 forest plan and have not been found to be “not suitable.” We feel that these river segments should be applied a No Surface Occupancy stipulation.

II. Late Successional Reserve Stipulation Should Be Applied a No Surface Occupancy Lease Stipulation

¹ Final Programmatic Environmental Impact Statement for Geothermal Leasing in the Western US (PEIS 2008). Pg. 2-17.

We were disappointed that the Draft EA did not apply a NSO stipulation to Late Successional Reserves in the project area. This decision departs from the 2010 Record of Decision on Mt. Baker Geothermal Leases which makes it clear that in the Mt. Baker District designated LSRs would carry an NSO lease stipulation:

“All lease areas are within the Baker Late Successional Reserve that is managed to recover populations of northern spotted owls and marbled murrelets. Surface occupancy would result in the destruction of critical habitat for both species. Therefore within old-growth forests of all lease areas, no surface occupancy will be permitted.”²

A significant area of the nominated lands falls within the Late Successional Reserves which have been mapped on the forest subsequent to the Northwest Forest Plan. These areas have been specifically identified as providing necessary old growth habitat for endangered northern spotted owls and marbled murrelets. We feel strongly that all LSRs should be given a no surface occupancy stipulation.

III. Inventoried Roadless Areas Should Be Applied a No Surface Occupancy Lease Stipulation

There are approximately 42,000 acres of inventoried roadless areas in the project area. These forest lands are protected under the 2001 national Forest Roadless Area Rule from new road construction and related timber harvest and development. These areas are also critically important for core wildlife habitat, sources of clean water and world class recreational opportunities.

The Draft EA proposed action does not provide a NSO stipulation for inventoried roadless areas offering the following explanation:

“Since each of the stipulations for NSOs represent higher levels of restrictions than that which the IRA stipulation requires, it is unnecessary to include IRAs within NSOs in this analysis”³

However the Draft EA goes on to explain in great detail that surface occupancy and most other activities would be incompatible with an inventoried roadless area designation:

“Policy and law would permit certain geothermal exploration and development activities within IRAs described in the RFD scenario, provided that no roads are constructed or reconstructed, no timber is cut, sold, or removed, the actions are consistent with applicable standards and guidelines in the Forest Plan, and the appropriate environmental review process is completed...Unlike NSO stipulations, the IRA stipulation would not prohibit all surface development associated with geothermal development. However, the vast majority of the project area is covered with dense forests, which limits possibilities to accomplish ground-disturbing development without removing trees. Nonetheless, a lessee desiring access to the geothermal resource beneath an IRA would be permitted to do so from an allowable occupancy area outside the IRA... The RFD scenario defines four sequential phases: exploration, drilling, utilization, and reclamation. In each phase, substantial development in IRAs is unlikely due to the Roadless area stipulation.”⁴

² Record of Decision for Mt. Baker-Snoqualmie National Forest Geothermal Leases (ROD 2010), pg. 4.

³ Draft Environmental Assessment for Mt. Baker-Snoqualmie National Forest Geothermal Leases (2015), pg. 51.

⁴ Draft Environmental Assessment for Mt. Baker-Snoqualmie National Forest Geothermal Leases (2015), pg. 53

It seems clear that the prohibition of road construction and timber cutting in an inventoried roadless area is incompatible with surface occupancy for geothermal exploration. As a result, we feel strongly that inventoried roadless areas should have a no surface occupancy stipulation. An NSO stipulation would not preclude the few geothermal exploration activities that the Draft EA identifies as permissible so there is no reason to not apply a NSO stipulation to IRAs in the project area.

In closing, we appreciate the opportunity to give substantive comments on the Draft EA. We hope that these comments both highlight the interest and investment in this area by a wide variety of organizations and help the agency to fully consider these incredible resources during this process.

Feel free to contact Tom Uniack, Conservation Director for Washington Wild directly, or on behalf of the undersigned organizations, at 206-633-1992 or tom@wawild.org.

Sincerely,

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