

Appendix G: Changes made after 2012 March EA comments

General Changes:

The Director of Project Delivery is temporarily being fulfilled by Brent L. Coe Acting Director of Project Delivery.

There are many editorial and formatting changes (for example; added comma's, period's, spacing, bolding) that are not specifically noted.

Cover and Title Page

1. The cover and title page have date changed so that the date now reads: August 2012.
2. The cover photo has been replaced with a photo of site #2 so as to better distinguish the Amended EA from the March 2012 EA.

Chapter 1 –Introduction

Clarification Note is added to the Introduction describing the two active environmental assessments in the Suiattle River drainage during 2009 to 2012.

1. On page 3 of the March 2012 EA in Chapter 1.1 Suiattle River Road/FSR 26 background, add the following: **“There were two environmental assessments involving Road 26 in the Suiattle River drainage proceeding in 2012. The Mt. Baker-Snoqualmie National Forest was finalizing an Environmental Assessment on the road management in the Suiattle (Suiattle Access and Management or Suiattle ATM EA) and Federal Highways was preparing an Environmental Assessment on repair options for eight flood damaged sites on Road 26. The Forest ATM EA analyzed options on what roads would be retained in the forest road system as open for recreation and administrative use, and what roads would be closed roads or decommissioned within the Suiattle River drainage. All alternatives in the Forest Suiattle ATM EA retained Road 26 for passenger vehicles to the terminus. The Suiattle ATM Decision Notice and Finding of No Significant Impact (DN and FONSI) was signed in February 2012, and was in the 45 day appeal period (February 10th to March 26th) when the Federal Highways’ Suiattle River Road Project EA (WA FS ERFO 071-2023) was released in March of 2012.**

There was one appeal of the Suiattle ATM EA; the Darrington District Ranger met with the appellant in April of 2012, with no resolution of the appeal. The appeal and project record was then submitted to the Regional Office of Region 6 of the USDA Forest Service in Portland for review and recommendation on the decision. The Appeal Reviewing Officer recommendation affirmed the Darrington District Ranger’s decision in a letter dated April 18, 2012.

During the appeal period and resolution period, the Federal Highways’ Suiattle River Road Project EA was released. The EA included a No Action alternative and two repair options. The No Action would result in no repairs to the flood damage sites at this time, but would not change the status of the road as part of the desired road system. Alternative B would

repair all eight flood damaged sites to the terminus, with Federal Highways emergency relief funds. Alternative C would repair the first five flood damaged sites with emergency relief funds from federal highways, with road use beyond the junction of Roads 26 and 2680 determined in a Forest decision with site specific information from the Suiattle River Road Project”.

Chapters 1 and 2 - Alternative description updates

Information on the repair sites in the 2012 Suiattle River Road Project EA span a time period of years 2003 to 2012, and over this time period, there have been changes in site conditions, the proposed repair designs and action alternatives.

1. On pages 31 and 113 of the March 2012 EA, in the repair description at Sulphur Creek Bridge, replace **“all work would occur outside of the wetted channel”** with **“all fill removal would occur outside of the current wetted channel”**.

Section 7 consultations for fisheries included the mitigation measure that any inwater work would be accomplished within the timing window of the Memorandum of Understanding with Washington Department of Fish and Wildlife for the bridge sites. The aquatic consequences (fisheries and hydrology) of the EA were reviewed and the environmental effects were found to be consistent with this work description. With any project, there is potential for some time to pass between when a NEPA decision is made on a project and the implementation of the project. Site conditions are reviewed at the time of implementation for changes that would result in the need for re-initiation of consultation or a supplemental information report for an environmental document.

2. Page 27 of the March 2012 EA at 2.2.1 Alternative No Action. Replace **“Road 26 would remain a road maintenance objective 4 road on the USFS road system with these roads to be maintained for ease of passenger car”** with **“Road 26 would remain a road maintenance objective 3 and 4 road on the USFS road system with these roads to be maintained for passenger car as per the 2012 Suiattle ATM DN and FONSI.”**

The maintenance level of a portion of Road 26 has changed due to the USFS decision on the Suiattle Access and Management EA (DN and FONSI) signed in February 2012, following the termination of the 45 day appeal period and with the affirmation of the decision by the Regional Office in April of 2012. Road 26 from MP 10 to the terminus at MP 23.2 changed from a Maintenance Level 4 to a Maintenance Level 3. Road maintenance at Level 3 will continue to provide for passenger vehicle access, but Level 3 maintenance roads typically are lower speed travel, and are single lane with turnouts while Level 4 roads are often double lane and aggregate surfacing. See pages 48 and 49 of the EA for description of USFS road maintenance levels.

3. Page 30 of the March 2012 EA – In the third sentence in the paragraph under Site #3, replace 8.0 acres with approximately 6 acres. The reroute would result in ground disturbance on approximately 6 acres which would include approximately 2.0 to 3.0 acres of mature, older forests. The 6 acres disturbance is an estimate based on tightening design elements in response to comments of reducing road template impacts.

Chapter 3 – Environmental Consequences

1. Page 95 of the March 2012 EA – Add “is” to the last sentence in first paragraph to read **“The road surface at this location is approximately 50 feet above the river”**.

2. On page 105 of the March 2012 EA – Add to the paragraph in **Environmental Effects, Soils, Channel Dynamics, and Water Quality Effects** the following: **Forest Plan Consistency** - All Action Alternatives for this project would be consistent with the Forest Plan, as amended, and Standards and Guides pertinent to soil and water resources. Specifically:
 - In-channel, streambank, and floodplain stability will be maintained or enhanced by moving road segments further inland from the Suiattle River and removing existing bank armoring (1990 Forest Plan p, 4-119)
 - Water quality will be maintained through mandatory application of Best Management Practices. These practices will largely minimize or eliminate any potential short-term degradation of water quality due to the soil disturbing aspects of the proposal. (1990 Forest Plan p 4-126)
 - Aquatic Conservation Strategy objectives will be met by: preparing road design criteria, elements and standards that govern construction and reconstruction; minimizing disruption of natural hydrologic flow paths through upsizing flood conveyance facilities (culverts); re-siting road segments upslope of alluvial fans; removing fill material from historical channels/alluvial fans; and siting realigned road segments to minimize wetland effects. (1994 Forest Plan, as Amended, Record of Decision, RF-2) (further discussion of how the project is consistent with each of the 9 Aquatic Conservation Strategy Objectives is included in the Fisheries Report)
 - Potential soil disturbance would be restricted to far less than the Forest threshold of 20 percent compaction in the project area due to project actions. Any limited soil loss from surface erosion that is caused by these project activities will not result in an unacceptable reduction in soil productivity and water quality, The potential for surface erosion will be minimized by maintaining effective ground cover after cessation of any soil disturbing activity. (1994 Forest Plan, as Amended, Record of Decision, RF-5 and 1990 Forest Plan Forest Wide Standards and Guidelines for Soil Resources).
3. Page 104-105 Wetlands – change the final paragraph from **Based on data from current designs, the wetland area that would be affected by the proposed action is approximately 0.66 acres.** TO: **Based on data from current designs, the wetland area that would be affected by the proposed action is approximately 0.66 – 0.8 acres.**
4. Page 126 of the March 2012 EA – Add to the second paragraph on spotted owl critical habitat so the last sentence reads: **“Effects to designated spotted owl critical habitat would be the same under either the 1992 or 2008 rule. An update on the progress with spotted owl critical habitat designation and consultation since March 2012 is provided in Chapter 4 – Consultation and Coordination.”**
5. Page 132 of the March 2012 EA – Remove the double negative in Past actions and effect for marbled murrelet so that second sentence in the third paragraph reads **“Because the project would not change stand year-of-origin for past harvest, none of the action alternatives associated with the proposed project were found to measurably add to the residual effects from those actions, or contribute to the cumulative effects in the analysis area”.**
6. On page 141 of the March 2012 EA – Add to the **Botany Section** following Cumulative Effects, the following: **Forest Plan Consistency** - All Alternatives would be consistent with the Forest

Plan, as amended. In Alternatives B and C, the road repair described and analyzed and in this assessment would meet botany standards and guidelines of the Forest Plan, as amended.

7. On page 145 of the March 2012 EA – Add to the **Heritage Section** following Section 3.13.3, the following: **Heritage Cumulative Effects**

Heritage Resources: The affected area for cumulative effects to heritage resources was the Suiattle River drainage from MP 6.0 to MP 23.2. There are projects that overlap this project as it relates in space or time with proposed road work on FSR 26 and FSR 2680.

Past actions and natural events that preceded the creation of the National Historic Preservation Act of 1966 and other historic preservation laws may have impacted an unknown number of heritage resources that might today qualify as NRHP historic properties. Past actions taken on National Forest lands in the Suiattle River watershed have been determined to not adversely affect historic properties. No present projects are known to be having effects, and no foreseeable projects are expected to have adverse effects to historic properties.

If action proposals are implemented, and if there are any new discoveries of historic sites, the sites would be protected from disturbance as described in the Chapter 2 mitigation measures for heritage resources, then no alternative will contribute to adverse cumulative effects.

Treaty Resources: The affected area for cumulative effects to treaty resources was determined to be the Suiattle River drainage from MP 6.0 to MP 23.3. This project would restore vehicle access to historic use areas and does not call for the closure of any roads over what currently exist within the project area. There may be some temporary cumulative effects on use from traffic control in locations due to road improvements as they relate to this and other projects in the drainage using the same road system. Once the activities are completed, vehicle traffic would be expected to return to pre-flood use, with use dispersed on the repaired road system for accessing resources within the drainage.

The rights of Tribal members to access NFS lands and exercise Treaty rights would be unchanged. Any indirect or cumulative effects to quality of the Tribal hunting, gathering and fishing experience would be related to changes in management, access, and the effects to fish, wildlife and plant resources. For this project, the Forest Service fulfills its general trust responsibilities through the proper management of natural resources as determined

Heritage Forest Plan Consistency - All Alternatives would be consistent with standards and guideline for heritage resources in the Forest Plan, as amended.

Chapter 4 – Consultation and Coordination

1. Page 153 of the March 2012 EA – 4.1.1 US Fish and Wildlife Service (FWS) - Add the following update on progress with spotted owl critical habitat designation and consultation since March 2012:

“The U.S. Fish and Wildlife Service (FWS) published a proposed rule (Federal Register/Vol.77, No.46/Thursday, March 8, 2012, at: <http://www.gpo.gov/fdsys/pkg/FR-2012-03-08/pdf/2012-5042.pdf>) to revise designation of critical habitat for the Northern Spotted Owl (NSO) under the Endangered Species Act (ESA) of 1973, as amended. Additional information on the proposed designation can be found at:

<http://www.fws.gov/oregonfwo/Species/Data/NorthernSpottedOwl/main.asp>. The existing NSO critical habitat designation (2008) was not withdrawn by the proposed rule revision; therefore,

Section 7 consultation with FWS is still required for action that “may affect” the currently designated or existing critical habitat.

Following the publishing of the of the proposed rule, potential effects of all proposed and ongoing actions located within proposed critical habitat was reviewed and re-assessed by the Forest Service. The Road 26 repairs were assessed as a “may effect, not likely to adversely affect critical habitat” determination for actions within the existing 2008 critical habitat of the Suiattle River drainage. The Road 26 project was reviewed with the March 2012 published rule, and a determination made by the Forest wildlife biologists that based on information available at this time, there would be no changes in the effect determination for critical habitat from Road 26 repairs from the effects’ determinations of previous consultations. The Mt. Baker-Snoqualmie Forest Wildlife Biologist provided the following assessment of Forest projects in an e-mail of 3/28/12 to forest staff: “At this time there isn't a need to "conference" with the FWS on the new proposed spotted owl critical habitat. ”.

In June 2012, FWS released a draft environmental assessment on revised owl critical habitat (CH) for comment. The final rule on this action is scheduled for publication in the *Federal Register* on or before November 15, 2012. FWS provided the following guidance:

“The implementing regulations for section 7 require a conference under circumstances where a Federal action agency or the Service determines that the agency’s proposed or ongoing discretionary action is likely to jeopardize a proposed species or is likely to destroy or adversely modify proposed CH.”. Although a conference is only required under the above, the Service generally recommends that Federal action agencies also consider a conference for proposed or ongoing discretionary actions that “may affect” a proposed species or any of the PBFs or the PCEs of proposed CH to streamline the consultation process after a proposed rule becomes final.

The Mt. Baker-Snoqualmie Forest has had informal discussions with FWS staff of the Lacey, WA office on the pending decision for spotted owl critical habitat and the timing to conference on on-going and proposed projects (Level 1 team, June and July 2012). At this time, FWS’s preference is to not conference on proposed projects due to the on-going comment period for the proposed critical habitat rule and the potential for changes in the amount of area included as critical habitat, changes in the final PCEs or in the affects determinations from the draft EA to final EA and published rule. “

Chapter 6 – References

1. Page162 of the March 2012 EA – Add the following references in the Fisheries Specialist’s report that are missing in the EA :

USDI Fish and Wildlife Service. 1998. *A Framework to Assist in Making Endangered Species Act Determinations of Effect for Individual or Grouped Actions at the Bull Trout Subpopulation Watershed Scale*. Portland, OR. 45pp

USDI Fish and Wildlife Service. 2004. *Draft Recovery Plan for the Coastal-Puget Sound Distinct Population Segment of Bull Trout (Salvelinus confluentus). Volume I (of II): Puget Sound Management Unit*. Portland, OR. 389 + xvii pp

Washington Department of Fish and Wildlife and Western Washington Treaty Indian Tribes. 1994. *1992 Washington State Salmon and Steelhead Stock Inventory. Appendix I, Puget Sound Stocks. North Puget Sound Volume*. Olympia, WA. 418pp.

WDFW 2000. WDFW StreamNet Project; Washington Conservation Commission's Limiting Factors Analysis (LFA) Project; WDFW Bull Trout 2000 Update: Arc/Info coverages.

WDFW 2011. Washington Department of Fish and Wildlife. Salmonscape Web Application, <http://wdfw.wa.gov/mapping/salmonscape/index.html>.

Washington Department of Fish and Wildlife and Western Washington Treaty Indian Tribes. 2003 (draft). *Washington State Salmon and Steelhead Stock Inventory*. Olympia, WA.

2. Pages 156 and 162 of the March 2012 EA – Add the following references in the Wildlife Specialist's report that are missing in the EA :

Federal Register, Vol. 76, No. 193, October 5, 2011. Rules and Regulations. Revised Critical Habitat for the Marbled Murrelet. Final Rule. P. 61599- 61621.

USDI Fish and Wildlife Service. 2011. Revised Recovery Plan for the Northern Spotted Owl (*Strix occidentalis caurina*). Region1 Portland, Oregon: pp. 277.

USDI Fish and Wildlife Service. 2012. Draft Environmental Assessment Designation of Critical Habitat for the Northern Spotted Owl. Region1 Portland, Oregon: pp. 286.

USFS/BLM Interagency Special Status/Sensitive Species Program (ISSSSP) web site. <http://www.fs.fed.us/r6/sfpnw/issssp/agency-policy/>

USFS/BLM A spreadsheet titled *Survey and Manage Species List: Categories from 2001 ROD, 2001-2003 ASR, and 2011 Settlement Agreement* is available at: <http://www.blm.gov/or/plans/surveyandmanage/gg.htm>.

WDFW Web site. Species of Concern List including species listed as State endangered, State threatened, State sensitive, or State candidate, as well as species listed or proposed for listing by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service <http://wdfw.wa.gov/wlm/diversty/soc/concern.htm>