



January 4, 2017

Forest Supervisor Jamie Kingsbury
Objection Reviewing Officer
Mt. Baker-Snoqualmie National Forest
Attn. 1570 Appeals and Objections
2930 Wetmore Ave.
Everett, WA 98201

Re: OBJECTION – Greenwater Access and Travel Management Project

Sent via electronic mail to: objections-pnw-mtbaker-snoqualmie@fs.fed.us

To Forest Supervisor Jamie Kingsbury:

The undersigned organizations received notice of the U.S. Forest Service's draft decision to select Alternative 3 from the alternatives analyzed in the Lower Greenwater Access and Travel Management Project Environmental Assessment (EA). Pursuant to 36 C.F.R. Part 218 (2016), we timely object to that draft decision.

Identification of Objectors

The lead objector's name, address, and telephone number:

Tom Uniack (**Lead Objector**)
Executive Director
Washington Wild
305 North 83rd Street
Seattle, WA 98103
(206) 633-1992
tom@wawild.org

Washington Wild is a statewide 501(c)3 nonprofit organization focused on protecting wild lands and waters in Washington State through advocacy, education and civic engagement. Throughout Washington State we draw from a membership core of more than 1,500 and an advocacy base of more than 7,000 supporters. Founded in 1979 Washington Wild has played an invaluable role in permanently protecting nearly three million acres of Wilderness throughout Washington State while also preserving and enhancing recreational access. Our success comes from our flexible, pragmatic approach, and ability to form coalitions with diverse allies.

Marlies Wierenga, Pacific Northwest Conservation Manager
Marla Fox, Rewilding Attorney
WildEarth Guardians
107 SE Washington Street, #490
Portland, OR 97214
(503) 278-0669
mwierenga@wildearthguardians.org, mfox@wildearthguardians.org

WildEarth Guardians is a nonprofit conservation organization with offices in Oregon, Washington and five other states. WildEarth Guardians has more than 160,000 members and supporters across the United States and the world. Guardians works to protect and restore wildlife, wild places, wild rivers, and the health of the American West. WildEarth Guardians has organizational interests in the proper and lawful management of the forest road system and its associated impacts on the Mt. Baker National Forest's wildlife and wild places.

Andrea Imler
Advocacy Director
Washington Trails Association
705 2nd Ave #300
Seattle, WA 98104
(206) 965.8558
aimler@wta.org

Founded in 1966, Washington Trails Association is the country's largest state-based trail maintenance and hiking advocacy non-profit organization with more than 14,000 members. WTA's mission is to "preserve, enhance, and promote hiking opportunities in Washington state through collaboration, education, advocacy and volunteer trail maintenance." For nearly 50 years, WTA has focused on helping Washingtonians get on trail to experience the great outdoors in our state and national parks, national forests and other public lands with an emphasis on ensuring the sustainability of trails and making outdoor experiences fulfilling and fun for hikers. The primary way that hikers reach trails is by their personal motorized vehicles on national forest roads.

Jen Watkins
Conservation Associate
Conservation Northwest
Seattle, WA 98119
(206) 940.7914
jwatkins@conservationnw.org

"Keeping the Northwest wild" since 1989, Conservation Northwest works from the Washington Coast to the British Columbia Rockies to protect old-growth forests and other wildlands, connect large landscapes and vital habitats, and restore native wildlife.

Gus Bekker
President
El Sendero Backcountry Ski & Snowshoe Club
1050 Maple St, # 5622
Wenatchee, WA
509-860-7332
gwbekker@gmail.com

El Sendero Backcountry Ski and Snowshoe Club represents winter backcountry recreationists by advocating the creation, preservation, and management of non-motorized winter areas on public lands. We work to preserve backcountry areas for quiet human-powered use, promote winter backcountry safety and ethics, and cooperatively resolve conflicts among backcountry users. El Sendero is a non-profit organization based in Wenatchee, WA and a grassroots member of the national non-profit Winter Wildlands Alliance. We are backcountry skiers, snowboarders, snowshoers, and winter campers. We educate the public and ourselves on issues affecting the backcountry, we attend public meetings and represent non-motorized interests, we network with other organizations to work together.

Matt Perkins
Secretary
Washington Climbers Coalition
P.O. Box 77315
Seattle, WA 98177
206-940-3218
matt@mattsea.com

The Washington Climbers Coalition is a non-profit advocacy group dedicated to promoting and protecting public access for climbing in Washington State and educating climbers and land managers about sustainable practices which will support such access. Founded in 2004, the group has completed stewardship and organizational efforts at areas ranging from the Olympic Peninsula to the North Cascades and the eastern Washington desert. Frequent partners include State and Federal land managers, recreational groups, outdoor industry representatives, conservation groups and climbers.

Katherine Hollis
Conservation and Advocacy Director
The Mountaineers
7700 Sand Point Way NE
Seattle, WA 98115
206-521-6012
katherineh@mountaineers.org

The Mountaineers is an outdoor community teaching you skills to explore the outdoors safely and responsibly. Founded in 1906, we've been getting people of all ages outside for over 100 years. We are passionate about building a community of people who are knowledgeable and care about the outdoors. We work to protect the outdoor experience for generations to come. Our mission is to enrich the community by helping people explore, conserve, learn about and enjoy the lands and waters of the Pacific Northwest and beyond.

Kitty Craig
Washington State Deputy Director
The Wilderness Society
720 3rd Ave #1410,
Seattle, WA 98104
206.624.4878
kcraig@tws.org

Since 1935, The Wilderness Society has led the effort to permanently protect nearly 110 million acres of wilderness in 44 states. We have been at the forefront of nearly every major public lands victory. The Wilderness Society's mission is to protect wilderness and inspire Americans to care for our wild places. We

contribute to better protection, stewardship and restoration of our public lands, preserving our rich natural legacy for current and future generations.

Jonathan Stumpf
Chair
Wild Steelhead Coalition
117 E. Louisa St. #329
Seattle, WA 98102
jonathanstumpf@gmail.com

The Wild Steelhead Coalition was founded in 2000 with the mission of increasing the return of wild steelhead to the rivers and streams of the West Coast. The WSC believes that wild steelhead is the Northwest's greatest natural resource.

Previous Involvement in the Greenwater and other ATM plans

Our organizations submitted scoping comments and comments on the Draft Environmental Assessment for the Greenwater ATM project. Washington Trails Association, Washington Wild, and WildEarth Guardians were part of a joint scoping comment letter signed by 12 conservation and recreation organizations on November 30, 2015 and a joint comment letter signed by 12 conservation and recreation organizations on the Draft Environmental Assessment (EA) for the Greenwater ATM project on May 27, 2016¹ (hereafter, "Joint Comment"). Conservation Northwest submitted scoping comments on November 30, 2015, and a comment letter on the Draft EA on May 26, 2016. WildEarth Guardians submitted separate comments on the Draft EA as well. A subset of us met with District Ranger Martie Schramm regarding our comments on the draft EA on June 28, 2016. Our organizations have a strong interest in both prioritizing the maintenance of key recreational access routes while also identifying roads for decommissioning not necessary for access that pose aquatic and terrestrial resource risks to the watershed.

We appreciate the Mt. Baker Snoqualmie National Forest leading efforts to invest in watershed-based access and travel management decisions to follow up on the sustainable roads analysis. These ATM decision documents are a key step to establishing a sustainable road system for the forest. We have provided substantive and thorough comments at the scoping and draft EA level for both the Nooksack and Greenwater ATM projects. And many of us participated in additional road and access projects across the forest, including the Skykomish, Sultan Road project and Dirty Harry project.

Despite sharing an identical statement of purpose and need, we find some significant inconsistencies between the Nooksack and Greenwater ATM decisions and reasoning. This is surprising given that both ATMs were initiated on a similar time frame within the Mt. Baker Snoqualmie National Forest. We found the Nooksack ATM provided an adequate range of alternatives spanning the spectrum from maximizing access (no action) to maximizing watershed restoration (Alt 3), and a middle alternative tiered to the sustainable roads analysis (Alt 2). This was not the case with the Greenwater ATM. The Nooksack ATM also addressed and incorporated many of our comments in the Decision to choose a modified alternative where the decision on the Greenwater ATM seemed to largely dismiss our comments.

As a Tier 1 key watershed lying within a Late Successional Reserve in the headwaters of the Puget Sound with a 303d listed waterbody, the Greenwater is of ecological importance both regionally and locally. We also recognize the tremendous social and cultural values that require access in this watershed, as well as the anticipated future need for restoration management. The final decision missed the opportunity to identify a

¹ WildEarth Guardians also submitted an organizational comment letter on the Draft EA for the Greenwater ATM project on May 27, 2016, identifying additional concerns (hereafter, "Guardians Comment").

balanced a sustainable road network in this highly degraded watershed, and meet the policy guided emphasis this landscape has towards meaningful ecological restoration.

Specific Objections

I. The Final EA fails to include an acceptable range of alternatives based on the stated purpose and need.

The Forest Service's own regulations state that an EA must include a proposed action and alternatives, and "briefly describe the proposed action and alternative(s) *that meet the need for the action.*" 36 C.F.R. § 220.7(b)(2) (emphasis added). "NEPA requires that alternatives . . . be given full and meaningful consideration, whether the agency prepares an EA or an EIS." *Center for Biological Diversity v. NHTSA*, 538 F.3d 1172 (9th Cir. 2008) (quoting *Native Ecosystems Council v. U.S. Forest Serv.*, 428 F.3d 1233, 1245 (9th Cir. 2005)). As explained below, the Forest Service violates its own regulations by failing to consider an alternative that meets the need for the action, and failing to consider a reasonable range of alternatives.

The three alternatives provided in the Draft EA do not provide a reasonable range of alternatives based on the purpose and needs identified for the project which are as stated (Pg. 7-8 of the EA):

1. Need to restore and protect the watershed's ecology from impacts of the road system
2. Need to establish a sustainable road system in the watershed
3. Need to maintain access across the forest for a variety of users

Here, the Forest Service considered three alternatives. Alternative 1 ("no action") arguably provides one end of a range by maximizing access (Need #3). While we understand the "no action" alternative is a reference point, it can also be viewed as maximizing access going into a process focused on right-sizing an overextended, deteriorating and unaffordable road system. Alternative 3, inspired by diversifying access for tribal entities also speaks to Need #3.

There is no alternative that maximizes the protection of the watershed and threatened salmonid species from road impacts through decommissioning or closure (Need #1). Alternative 2 would propose decommissioning just 12 miles of roads out of the 255.59 miles of road in this watershed, while Alternative 3 would decommission just 15 miles (while adding 5 miles to the road system from unclassified roads). The Greenwater River is 303d listed in segments for both temperature and sediment, and the final EA discusses the benefits of decommissioning in addressing both of these threats over placing roads into storage (Level 1).

Alternative 2 arguably embraces the findings from the agency's sustainable roads analysis by attempting to identify a sustainable road system (Need #2). But given the inadequacies of the financial analysis in the sustainable roads report, merely incorporating those findings without assessing their validity in light of the facts presented in this project and in light of the stated needs is insufficient.

In comparison, Alternative C provided in the Nooksack ATM (which recently went through a similar EA process) maximized watershed restoration and road decommissioning, and made significant progress towards identifying a sustainable road system. However, this alternative does not exist in the EA assessing the Greenwater ATM.

In response to this oversight, some of our organizations put considerable effort into providing an alternative for the Greenwater that balances all three of the stated needs of the project (with particular attention to the underrepresented Need #1) while embracing the Tribal input embedded in Alternative 3.

Our intent in providing a conservation/recreation alternative was to provide substantive analysis and justification for an alternative that embraces watershed restoration and decommissioning (Need #1) while also balancing the other stated needs in the document including recreational access for a variety of users. While such an alternative was constructed to be adopted in whole, it was also argued and justified in a way as to be adopted in part by the agency. The Nooksack ATM adopted much but not all of the conservation/recreation alternative provided during the draft EA comment period.

Based on a conversation with members of the interdisciplinary team (ID team), we are concerned that the major reason that none of our substantive comments referenced in our conservation/recreation alternative were adopted in the final decision was because there was a decision to adopt the entire alternative or none of it.

In Appendix D of the final EA, the Forest Service responded to our comments² on this issue in the following manner:

“Both Alternatives 2 and 3 were proposed because they would move the Forest in the direction of restoring and protecting the project area’s ecology from impacts of the road system, establishing a sustainable road system in the project area, and maintaining access across the forest for a variety of users. See EA at 7-8” (Final EA, Appendix D, pages D20-D21)

The issue here is not solely that Alternatives 2 and 3 fail to meet each of the stated purpose and needs of the plan, but also the lack of a reasonable range of alternatives. A range of proposed road decommissioning between 12 (4.7%) and 15 (5.8%) miles on a 255-mile system that has one of the highest road densities is not sufficient under the National Environmental Policy Act (NEPA).

PROPOSED REMEDY: Revise the EA to consider a fourth alternative that prioritizes watershed restoration (Need #1) and road decommissioning and works towards identifying a fiscally and environmentally sustainable road system, providing a reasonable range of alternatives based on the stated purpose and need of the document.

II. The selected alternative fails to achieve a sustainable road network that meets the Purpose and Need

The ATM plan for the Lower Greenwater provides an important opportunity to make significant progress toward establishing a sustainable road system moving forward. These opportunities do not occur frequently, given the costs and time required for NEPA analysis. Our comments urged the Forest Service to prioritize road decommissioning without negatively impacting access. *See, e.g.*, Joint Comment at 3-4. The selected Alternative 3 does not make a concerted effort to establish a road system that meaningfully restores watershed health, is affordable to maintain over time, and provides necessary public, tribal, and management access. This directly conflicts with the Forest Service’s substantive duties under subpart A of its travel management rules to identify the minimum road system,³ regional guidance directing the same for precisely these types of projects⁴ and policy set forth in the agency’s directives.⁵

² See section VIII, below, for more on how this was an inadequate response to comment.

³ 36 C.F.R. § 212.5(b). *See also* Guardians Comment at 2-10.

⁴ Pacific Northwest Region Memorandum, *Monitoring Travel Management NEPA Decisions for the Minimum Road System* (Sept. 6, 2016) (Attachment A).

⁵ *See, e.g.*, Forest Service Manual (FSM) 7702(1) (listing as an objective of managing the Forest transportation system, “[t]o provide sustainable access in a fiscally responsible manner to NFS lands for administration, protection, utilization, and enjoyment of NFS lands and resources”) (emphasis added). *See also* FSM 7703(2) (“In managing the Forest transportation system, Responsible Officials shall coordinate with other Federal, State, county and local public road authorities and Tribal governments to

While Alternative 3 clearly speaks to the purpose and need of providing access for a variety of users, it falls short in meeting the need to restore and protect the watershed's ecology from impacts of the road system and the need to establish a sustainable road system in the watershed. Washington State Department of Ecology stated that to achieve the goals of the TMDL for the Upper White River Watershed, the burden "rests heavily" on the Mt. Baker-Snoqualmie National Forest. Final EA at 51. This river currently does not meet water quality standards for temperature and sediment and it's not evident that the actions put forth with Alternative 3 will result in improvements that meet the Clean Water Act.⁶ Additionally, the selected alternative is not consistent with direction in the Upper White Watershed Sediment and Temperature Total Maximum Daily Load (Water Cleanup Plan) for Aquatic Habitat: Detailed Implementation Plan, that states:

"Forest Service (FS) is the designated management agency for meeting federal Clean Water Act requirements on national forest system (NFS) lands within the state of Washington. This authority is set forth in the Memorandum of Agreement between the USDA Forest Service – Region 6 and Ecology for meeting responsibilities under federal and state water quality regulations (USDA and WDOE 2000). Under this agreement, the Forest Service will ensure that all waters on NFS lands meet or exceed water quality standards, laws and regulations, and that activities on NFS lands are consistent with the level of protection of the Washington Administrative Code relevant to state and federal water quality requirements. Actions within this plan indicate that "restoration priorities within the Upper White River will target protection of refugia habitat first and restoration of degraded habitats second" and that "the Forest Plan and the Upper White and Greenwater Watershed Analysis identified roads as a major resource concern.... Priorities for road treatments will be set using the watershed analysis, roads analysis and ATM, and the Upper White River Watershed TMDL. The sediment budget information in the TMDL will be scaled to sub-watersheds to assist in setting treatment priorities.... Restoring water quality (temperature and channel morphology) to the Upper White River **will take a strategy using aggressive action to "protect the best," stabilize upslope areas and roads, and facilitate channel processes (wood recruitment, scour control, floodplain connectivity)**." (emphasis added).

According to the Final EA, 31% of the roads in this area are high concern due to aquatics. Table 12 shows that 246.61 miles of road will remain connected to aquatic systems under Alternative 3. In addition, 179 miles of road are currently on "highly erodible soils," and 106 miles of road are in riparian reserves. *See* Final EA, p. 47, 50. Though some roads are closed, the Final EA also states that "[r]ecovery of the Riparian Reserves area associated with roads to be decommissioned is ensured while the recovery of the closed roads and is not." *See* Final EA at 64.

The Final EA repeatedly highlights the quantifiable benefits of Alternative 2 over the selected alternative for improving watershed health. Alternative 2 "would be expected to meaningfully reduce the risk of sedimentation to fish-bearing streams and restore the timing and quantity of flow patterns" by reducing 73% of high risk roads to aquatic resources, while the selected alternative addresses less than ½ of the miles addressed by Alternative 2.

Table 12, in the Final EA, shows the minimal change in system road density in subwatersheds after treatments. The Lower Greenwater River subwatershed has the greatest change in road density but this is only based on the assumption that stored roads are equivalent to decommissioned roads in the calculation.

... [b]alance Forest transportation facility investments and maintenance costs with current and future budgets to maintain the health of the land and water quality").

⁶ As noted in our comments, *see* Guardians' Comment at 17-18, the Forest Service has a duty to ensure compliance with Washington's water quality standards under the Clean Water Act and pursuant to the Mt. Baker-Snoqualmie Forest Plan standard, LMRP 4-126. *See also* 33 U.S.C. § 1323(a).

The Forest Service's Watershed Condition Framework considers a road density of less than 1 mile per square mile as indicative of properly functioning watershed. After full implementation of Alternative 3, only one subwatershed will have achieved this improvement. These minimal changes are even more concerning given that the Forest Service has stated it did not include ML 1 roads in its road density calculations. Given that the Forest Service does not manage or treat all stored roads equally, and some stored roads remaining on the landscape continue to pose environmental risks, it is arbitrary and capricious and inconsistent with the Mt. Baker-Snoqualmie Forest Plan to summarily exclude all ML 1 roads from the road density calculations.

The economics of an overly large road system also suggest rightsizing the road system makes sense. Annual road maintenance costs increase as you move up the scale (ML 1-5) for various road segments, but they exist to some extent at each level. Selectively decommissioning roads that do not provide access for recreational, specific future management, and specific Tribal use is essential to creating a sustainable road system on this landscape. While the maintenance costs for ML 1 roads are low, they are not non-existent. By definition these roads are in storage for future use and maintenance.

Current costs of the system are nearly 7 times what the agency receives in its budget. Final EA, Table 30. In the last 4 years, that has jumped to 10 times greater. Final EA at 85. Deferred maintenance adds even more cost – currently at \$13.5 million for this area. Final EA at 87. The selected Alternative 3 would only decommission 15 (5.8%) miles of a 255 mile system that has one of the highest road densities on the forest. This is not adequate, and it is inconsistent with the agency's own regulations and policy.

Moreover, no effort was made to include any of the 3.5 miles of roads proposed for decommissioning in Alternative 2 or the 23.5 miles of roads previously recommended for decommissioning by the Mt. Baker Snoqualmie National Forest in the INFRA database.

Of the 27 additional miles proposed for decommissioning in our conservation/alternative the Final EA references categories of why road segments were excluded from consideration for decommissioning:

“For the additional 27 miles: 3.6 miles access existing planned vegetation treatment stands that require long-term maintenance; 10.2 miles would access stands for future vegetation treatments; 5.7 miles are proposed to remain open for exercise of Tribal treaty rights; 1.6 miles access structures or facilities; 3.2 miles access existing trailheads; and 2.7 miles are proposed to remain open for other uses including dispersed recreation.” (Final EA, Appendix D-22)

After a discussion with District ID team staff requesting more detailed justification on the dispersed recreation, trailheads and structures and facilities categories, the 2.7 miles of segments identified as providing dispersed recreation should have been categorized as future vegetation management.

As a result 16.5 of the 27 miles we proposed for consideration for decommissioning were excluded from consideration based on future vegetation management. The Final EA indicates that no decisions on decommissioning road segments that are planned for future vegetation management (with a final treatment) were considered for decommissioning as part of this ATM:

“Vegetation management is an allowable activity in LSRs (see response to comment #8). A NEPA decision to decommission a road after LSR restoration treatments is most appropriately documented in the NEPA document for those LSR stands being treated.” (Final EA, Appendix D-22)

We disagree with this premise. As we pointed out in our comment letter and as was demonstrated in the Nooksack ATM, the plan can and should make decisions about decommissioning roads even if there are planned vegetation management. This ATM plan will likely chart the direction maintenance levels for roads and identify potential future funding needs for this watershed for a decade or more. Given the significant issue with an over-extended and affordable road system, this plan is a key factor in dealing with that issue. All decisions in the plan are still funding dependent, meaning that the goals in the plan will only be met if and when the funding can be attained to achieve those goals. Therefore identifying a road segment to be decommissioned as part of the plan would not preclude a final thinning treatment, especially if stewardship funding or other funds were likely to come on board associated with that action.

We appreciated the rationale provided by the District ID team for the segments associated with trailheads (in particular a new Noble Knob trailhead) and the structures and tribal access priorities.

PROPOSED REMEDY: The Forest should take a hard look at the 27 miles of road segments identified in the conservation and recreation alternative described in our comments to identify additional roads that do not impact recreational access for decommissioning in a revised final decision. For roads proposed to be left in Level 1 storage, each segment should be linked to a clear future management need with a timeline for action to be taken. For those road segments that are not linked to a specific need for ecological restoration management within the Late Successional Reserve, decommissioning should be recommended in place of storage. The Forest Service should also re-assess its road density calculations to include Level 1 roads in its calculations.

III. Embrace road-to-trail conversion as a potential management tool as part of the ATM process.

We urged the Forest Service to consider road-to-trail conversion as an option for targeted opportunities. See Joint Comment at 5-6. The Final EA seems to dismiss the option of a road-to-trail conversion as part of this ATM process based on lack of current funds for such activities:

“The District Ranger decided not to have the team analyze an alternative in detail that considered converting roads to trails because (1) adding trails to the system was outside the scope of the project, which focused on roads, and (2) funds for maintaining (or upgrading) trails is also limited and declining, so a larger trail system may not be in alignment with trail budgets.” (Final EA, Pg.15)

This perspective is shortsighted. Road-to-trail conversions can be an effective tool and solution in many cases to addressing the purpose and need stated for this project. For example, a short road segment or spur which accesses a trailhead but has high aquatic risk factors could be identified as a cost effective road-to-trail conversion. Such an option would reduce aquatic risks, preserve recreational access and reduce the road system fulfilling all three of the stated purpose and need statements for this project.

Making a decision to authorize a road-to-trail conversion does not mean that funding must be available in the current or following fiscal year. This ATM plan is by definition making road maintenance level decisions that look years into the future. Many of the decisions ultimately made in this plan will not be implemented right away because of funding challenges and time. In addition, many of the road-to-trail projects on other parts of the Mt. Baker-Snoqualmie National Forest were made possible through partnerships. While the Forest Service may not currently have the resources, a decision document that identifies future road-to-trail conversions can be used by partners to offer or contribute additional resources.

The Nooksack ATM draft plan initially had similar language in their EA but ultimately addressed our comments adequately in the draft decision notice by embracing a couple of road-to-trail conversions as part of the plan:

“This decision also incorporates some road-to-trail conversion. At Church Mountain, High Divide, and Nooksack Cirque trails, areas of existing roads that are part of a trail system will be declassified as roads and classified as trails. These road segments are currently used as trails and not accessible by vehicles. This decision maintains access to all system trailheads in the project area.” (Nooksack ATM Draft Decision Notice, page 2)

While we understand this option may not apply to every situation, it is an extremely useful tool when developing a sustainable road system. (*See* Forest Service Handbook 2309.13, Section 21.2 explaining how to consider NFS Road to NFS Trail Conversions). Road-to-trail conversions have the benefit of reducing future annual road maintenance costs while retaining or adding recreational access opportunities on the forest.

PROPOSED REMEDY: Revise the final decision and EA to acknowledge the potential use of road-to-trail conversions by the Forest and as part of ATM decisions, generally, even if not used in this decision. Regardless of whether any specific road-to-trail opportunities are identified in the final decision, we feel strongly that this is an important management option to address watershed restoration and recreational access issues that should not be dismissed.

IV. Do not add unauthorized road mileage to the system through a process focused on right-sizing an already unaffordable road network.

We commented against adding unauthorized roads to the road system, noting a lack of information about the risks and benefits of these roads. (Joint Comment pg. 11). Forest Service policy directs the agency to carefully consider and document the road management objectives, environmental impacts, and social and economic benefits associated with any proposed addition before adding roads to the system. *See* Forest Service Handbook 7703.26(1). It also directs the agency to consider long-term road funding opportunities and obligations as part of any decision to add road miles to the system. *Id.* 7703.26(2). *See also* FSM 7715.03(7) (noting that “Ranger Districts should avoid adding routes to the Forest transportation system unless there is adequate provision for their maintenance”).

Alternative 3 identifies nearly 16 miles of unclassified roads that should be addressed by this ATM process. Our understanding is that these roads have been obliterated by design or by nature over the past several decades and no longer provide vehicle access. It is reasonable to assume that absent regular maintenance, these road segments pose aquatic risks to the watershed. Unfortunately, the EA does not provide aquatic risk data for these non-system road segments nor do they reference any specific access needs for any of them.

Specific justification for the inclusion of these unclassified roads to the road system was not present in the draft Decision or the Final EA despite being raised and requested in our scoping and draft EA joint comment letter. This information should have been provided in the Draft EA.

After talking with District ID Team members, additional justification was provided with respect to how unclassified roads were evaluated to be added to the road system (Email 12/12/16):

“Things the interdisciplinary team considered when suggesting segments be added to the road system included whether it was on a ridge with low aquatic risk, whether it was a spur

that accessed a vegetation stand with intended future treatment, if it was in good shape and appeared to need little maintenance, and if there were added values to dispersed users.”

We also asked for specific criteria segment by segment for the justification of adding the 5.48 miles of unclassified roads to the Forest Service road system. The District provided a table that included basic justification information by road segment. In addition to being provided after a draft decision, we note that 2.4 miles of road segments have no justification listed in the table and .34 miles reference Elk Forage Units of which maps were not provided in the EA. The remaining 2.7 miles for which some indication was noted, we found to be insufficient to determine a justification of adding road miles to an already over-extended and unaffordable road system.

These non-system roads should be appropriately treated to address or prevent any long term aquatic risks through decommissioning. By adding more than 5 miles of non-system roads to the system, the selected alternative would effectively provide only 10 miles of net road decommissioning making it the lowest of the action alternatives. This makes the points earlier in this objection letter all the more salient. The Forest should not be adding any roads to the system given that the focus of this ATM and the sustainable road analysis is to identify a “smaller road system”. At a cost of \$764/mile for ML 2 and \$1506/mile for ML 3, this addition of 5 miles adds \$3,820 or \$7,530 to the annual road maintenance cost. Given the agency’s interest in sustainable recreation, we suggest this money is better spent on keeping a recreational access road (such as to the Noble Knob trail) in good condition for passenger cars.

We are also concerned that there is potential for a decision to formalize unauthorized roads into the road system to serve as a perverse incentive for user built routes. We understand it is an ongoing challenge for the Forest Service to monitor motorized use across the forest. But we do not understand why unlawful actions would be condoned.

PROPOSED REMEDY: Decommission all 15 miles of unauthorized roads. If there is some extremely compelling justification for why road miles should be added through this process, the Forest Service should clearly and thoroughly justify this use and implement an offset of 2 to 1 in miles for decommissioning of road segments that do not provide key recreational access (above and beyond the 15 mile threshold identified in the selected alternative). For example, if the agency proposes to add 5 miles to the system (ML 1-5), it should identify 10 additional miles for decommissioning.

V. Maintain ML3 access to the popular Noble Knob Trail.

The Greenwater area provides a wealth of recreation opportunities. One of the most popular is the hike to Noble Knob which ranks in the Washington Trails Association’s Top 100 most trip reported hikes. Noble Knob is a rare gem in that three trails lead to Noble Knob and provide access to incredible views of Mt. Rainier and the surrounding area with very little elevation gain (200 ft from Corral Pass Trailhead and 500 ft from Dalles Ridge Trailhead), making these trails family-friendly and accessible for a variety of trail users.

Under the Forest Service’s draft decision, all roads leading to this trailhead will be designated as ML 2. As we urged in our scoping and draft EA comment letters, at least one of the routes to the Noble Knob trailheads should be retained at a ML3 to continue to provide reliable recreational access to this popular trail. We realize that ML 3 costs are higher than ML 2 (\$1506 versus \$764 per mile) but the potential gain is that when a storm damages the road (and this is a more frequent occurrence), a ML 3 road could qualify for ERFO funding for repairs, while a ML 2 road usually does not. *See, e.g.,* Final EA at 87 (“Roads that are reduced to a ML 2 or lower and do not remain passenger car drivable have the potential loss of ERFO funds.”). Forest Service directives instruct the agency to consider, *inter alia*, access needs, the need for maintenance and

administration of roads, and the availability of resources for maintenance and administration. FSM 7715.5(1)(a).

The Forest Service's website for the Noble Knob area notes that multiple trails can be accessed from this trail system:

- (1) [Rainier View Trail 1155](#),⁷
- (2) [Greenwater Lakes Trail 1176](#),⁸ which enters
- (3) [Norse Peak Wilderness](#).⁹

In addition, this access also allows for assistance from partners to help defray some of the agency's maintenance costs. Washington Trails Association (WTA) conducted four days of trail maintenance on the Corral Pass trail August 16-19, 2016. WTA organized 61 people to work on the trail, accounting for 508 volunteer hours of trail maintenance. The changes proposed by the Forest Service will reduce the number of people who can do trail maintenance. People drive their own vehicles, many of which are passenger vehicles, to these work parties—paying their own gas and way to do so. Changing all roads leading to this well-used trail to ML 2 will significantly impact WTA's ability to provide valuable volunteer trail maintenance in the future here, and elsewhere, since the majority of people do not own and drive high-clearance vehicles.

We note in the selected alternative that roads accessing private cabins have been categorically maintained at a ML 3. The Noble Knob Trail should be maintained in the same manner as other extremely popular trails in the Greenwater area, including the roads to Kelly Butte Lookout and Government Meadows/Pacific Crest Trail.

PROPOSED REMEDY: Change the Corral Pass Road (FS 7174) to ML 3 as part of the selected alternative to retain passenger car access to this popular hike. The Corral Pass road is the logical place to invest in access to the trail given that it leads to a trailhead and parking area.

VI. The Forest Service improperly identifies only “One Key Issue”, namely motorized access.

The Forest Service states that the agency identified motorized access as the single key issue for this project, referencing criteria in the Council for Environmental Quality (CEQ) regulations implementing NEPA. Final EA at 8.

“The Forest Service identified one key issue: motorized access. Closing or decommissioning roads would reduce motorized access to trailheads, scenic viewing, hunting, other recreational opportunities, and reduce the ability of Tribes to exercise treaty rights. Alternative 3 more fully accounts for a variety of access needs revealed in the scoping and consultation process.” (Pg. 8 of Final EA)

Under that CEQ regulation, during scoping the Forest Service must determine the scope and significant issues to be analyzed in depth and identify and eliminate from study the issues that are not significant or that have been covered by previous environmental review. 40 C.F.R. § 1501.7(a).

⁷ See Mt. Baker-Snoqualmie Forest Service website, available at <http://www.fs.usda.gov/recarea/mbs/recreation/recarea/?recid=18162> (last accessed Dec. 7, 2016).

⁸ See Mt. Baker-Snoqualmie Forest Service website, available at <http://www.fs.usda.gov/recarea/mbs/recarea/?recid=18134> (last accessed Dec. 7, 2016).

⁹ *Id.*

However, there is no reason given as to why the motorized access issue is elevated and all other issues—especially the concerns raised in our comments—are summarily dismissed. The 12 groups that submitted joint comments on behalf of our thousands of members identified numerous key concerns, including, *inter alia*, protection of natural resources and wildlife, reducing the size of the massive and deteriorating road system to better align with agency funding and in light of climate change stressors, and improving watershed health. The fact that the agency itself identified a need to restore and protect the watershed’s ecology from impacts of the road system, and a need to establish a sustainable road system in the watershed in its statement of purpose and need illustrate these are significant issues in addition to motorized access concerns. Dismissing these additional issues as not “key” is arbitrary and capricious.

Our groups are also concerned about access to public lands and our national forests. However, keeping roads open that are not maintained to provide access without the prospect of future funding to do so is not a solution. Without making progress on the huge deferred maintenance backlog in combination with the lack of basic annual maintenance, roads will continue to wash out during storms – gravely threatening our access to the forest. This “loss of access” is unpredictable, costly and can sometimes be irreparable. We agree that access is important but we do not agree that the solution is to simply let an oversized road system fall apart through neglect and poor planning. Motorized access certainly should not be the only key issue the Forest Service identifies for the Greenwater ATM.

PROPOSED REMEDY: Revise the EA and draft decision to identify and address the significant concerns we identified in our comments as “key” issues. In the very least, modify the NEPA analysis and draft decision to identify and address (1) protecting watershed ecology and (2) establishing a fiscally and environmentally sustainable road system as “key” issues.

VII. Failure to ensure compliance with the Endangered Species Act.

We commented that the Forest Service must ensure compliance with the Endangered Species Act (ESA). *See* Guardians Comment at 16-18. The Forest Service states its duty to consult with the Services about the effects of the Greenwater ATM on federally listed fish species, designated critical habitat, and essential fish habitat is covered by: (1) Programmatic Biological Opinion (BiOp) for Aquatic Restoration Activities in the States of Oregon, Washington, and portions of California, Idaho and Nevada¹⁰ (hereafter, FWS ARBO II), and (2) Programmatic Consultation Conference and BiOp and Magnuson-Stevens Fishery Conservation Management Act Essential Fish Habitat Response for Reinitiation of Aquatic Restoration Activities in States of Oregon and Washington¹¹ (hereafter, NMFS ARBO II). We thank the Forest Service for providing access to these documents on the project website.

But the Forest Service inappropriately relies on the National Marine Fisheries Service’s BiOp to cover consultation for this access and travel management plan. It states:

Roads closed under Forest Service . . . Travel and Access Management Plans will be subject to these PDC and may be addressed under this opinion. *However, such ‘plans’ for road management will require separate consultations.*

NMFS ARBO II, page 36 (emphasis added). Therefore separate consultation with NMFS is necessary for this project.

¹⁰ FWS reference 01EOFW00-2013-F-0090 (USDI Fish and Wildlife Service 2013).

¹¹ Tracking number NWR-2013-9664 (USDC National Oceanic and Atmospheric Admin., National Marine Fisheries Service 2013).

We commented that the Forest Service must consider whether each road is needed or should be decommissioned to meet the agency's duties with respect to ESA-listed species and critical habitat. *See* Guardians Comment at 8. We commented how roads directly impact species and habitat by disturbing and fragmenting wildlife habitat, as well as outlining the cumulative impacts of roads on species and wildlife when combined with the impacts of climate change. *Id.* at 12, 14-15.

PROPOSED REMEDY: In light of these impacts from the road system, and in light of the expressed language in the NMFS ARBO II, the Forest Service must conduct separate consultation with NMFS to ensure the Greenwater ATM is not likely to jeopardize the continued existence of the Puget Sound Chinook salmon or Puget Sound steelhead, or result in the destruction or adverse modification of their proposed or designated critical habitats.

VIII. Failure to adequately or fully address and respond to comments in a meaningful way

The Forest Service fails to respond to many of our comments in a meaningful way in violation of NEPA's implementing regulations. 40 C.F.R. § 1503.4 (requiring an agency to "assess and consider comments" and "respond by one or more of the means listed below" including (1) modifying alternatives, (2) developing and articulating new alternatives, (3) supplementing, improving, or modifying its analysis, (4) making factual corrections, or (5) explaining why the comments do not warrant further agency response). This concern was not raised in our comments because it relates to the Forest Service's response (rather failure to respond, or inadequate responses), which occurred after the close of the official comment period. Many examples are listed throughout this objection. Just a few specific examples include:

- We commented that none of the alternatives provide a reasonable range of alternatives or even meet the stated purpose and needs. In return, the Forest Service says Alternatives 2 and 3 were proposed to "move the Forest in the direction" of the stated needs to restore and protect ecology from the impacts of the road system and establish a sustainable road system. Final EA, Appendix D at D20-D21. The Forest Service wholly ignores the question of whether the alternatives provide a reasonable range. It also fails to explain why none of the three alternatives *meet* all of the stated purpose and needs, and instead "move . . . in the direction" of those needs.
- In response to our comment that the Forest Service should fully consider road to trail conversions where maintenance of public access is a high priority on a sustainable yet unnecessary road, the Forest Service responded simply that the comment was "noted" and that a general alternative that would convert roads to trail was considered but not in detail. Final EA, Appendix D at D-9. This fails to consider the substance of the comment: to look at possible road to trail conversions in *specific instances* where it makes more sense according to Forest Service policy.
- We commented that the Forest Service must consider the factors defining a minimum road system (at 36 C.F.R. § 212.5(b)) as part of its assessment of whether to keep each road segment on the system, or decommission or close the road. The Forest Service fails to respond at all to this comment, instead stating that the proposal itself was based on the sustainable roads strategy. Final EA, Appendix D at D-12. As noted in our comments, the sustainable roads strategy never identified the minimum road system, a decision that is required by the agency's own rules under subpart A. Rather, the sustainable roads strategy is the science-based analysis that is supposed to help the agency make that decision in a site-specific project subject to NEPA: a decision just like this. By failing to respond in a meaningful way to our comment, the agency violates NEPA and continues to ignore its duties to identify a fiscally and environmentally sustainable road system.
- Appendix D22-23 Comment Response #121: In response to our comment asking for specific justification about the proposal to add more than 10 miles to the Forest Service road system, the response given in Appendix D was not adequate.

“Nonsystem roads should not be added to the system, per the purpose and need for the project ("need for a smaller system of roads that can be maintained"). Absent data on these road segments (drivability, aquatic risk, what they access), it is difficult to understand how they should be treated and why. With the addition of 5 miles of road to the system, alt 3 only effectively removes 10 miles.”

The response by the agency (see below) simply restated the mileage data by category in Table 5 (Pg 20-21 of the Final EA). It failed to identify what compelling recreational, administrative or management rationale for adding roads to an already unaffordable road system.

“Comment noted. The rationale for adding some segments of non-system road into the FSR system is described in the EA at 20. 3.58 of the 5.48 miles proposed to be added to the system would be ML 1. Only 1.9 miles would be ML 2, requiring ongoing maintenance. EA at 20. Actions proposed under Alternative 3 are included to help meet the purpose and need of the project, which includes not only the need for a smaller system of roads, but also the need to restore and protect the watershed from impacts of the road system and the need to maintain access across the Forest for a variety of users for the long term, including administrative needs. EA at 6-7.”

PROPOSED REMEDY: Revise the analysis in the EA to adequately and meaningfully respond to comments.

Conclusion

Thank you for the opportunity to register this objection. Please contact us to discuss any remedies with respect to improving this decision to meet all three identified purpose and needs for the project.

Sincerely,

Tom Uniack
Executive Director
Washington Wild

Marlies Wierenga, Pacific NW Consv. Manager
Marla Fox, Rewilding Attorney
WildEarth Guardians

Andrea Imler
Advocacy Director
Washington Trails Associations

Jen Watkins
Conservation Associate
Conservation Northwest

Gus Bekker
President
El Sendero Backcountry Ski & Snowshoe Club

Matt Perkins
Secretary
Washington Climbers Coalition

Katherine Hollis
Conservation and Advocacy Director
The Mountaineers

Kitty Craig
Washington State Deputy Director
The Wilderness Society

Jonathan Stumpf
Chair
Wild Steelhead Coalition

**File Code:** 1950; 2300; 7700**Date:** September 6, 2016**Route To:****Subject:** Monitoring Travel Management NEPA Decisions for the Minimum Road System**To:** Forest Supervisors and the Columbia River Gorge National Scenic Area Manager

In my October 27, 2015 letter regarding our next steps with travel analysis, I stated that I expect to see significant progress each year on every unit toward a sustainable transportation system and directed the Regional Travel Management Board to monitor and report each year on the progress made.

I applaud the recent and current efforts underway to address development of the minimum road system (MRS) in on-going projects. The Regional Travel Management Board will solicit proposals and decisions made on the MRS from each Forest on an annual basis to post on the Region's internet site. This will provide transparency that enables our interested publics to see the progress we are making towards implementing a MRS. Julie Knutson, Regional Environmental Coordinator, will coordinate with each Forest's Environmental Coordinator to gather this information, and will facilitate posting on the Regional website.

Washington Office (WO) guidance is forthcoming for Forests to post travel analysis reports (TARs), maps and other information on their website. In addition, the Infrastructure database (Infra) will be used to code TAR recommendations and MRS decisions.

Ensure that travel management proposals analyzed under the National Environmental Policy Act (NEPA) are addressed in the purpose and need statement. When integrated into restoration projects, the need for travel management actions may vary – for example, to address site-specific water quality issues, or wildlife habitat needs – with an underlying objective (purpose) to develop an environmentally sustainable MRS. In addition to NEPA compliance, including these actions in the purpose and need highlights and demonstrates our commitment to travel management implementation.

Forests, Areas and Grasslands are strongly encouraged to assess all roads within a project area, when feasible since it may be many years before an opportunity arises again in a given watershed to address the MRS.

Proposals to develop the MRS may be incorporated into landscape level restoration projects or stand alone as a single purpose proposal. In all cases, the scale of analysis should be at the HUC-6 watershed area or larger. The TAR that each administrative unit completed in accordance with the Travel Management Rule (36 CFR part 212, Subpart A) will be used to inform the environmental analysis under the NEPA. Conversely, the NEPA analysis will identify relevant updates to be made to the TAR and tracked in Infra, consistent with the forthcoming guidance from the WO.

Travel management decisions related to the MRS that require NEPA include removing a route from the Forest transportation system, decommissioning a route or an unauthorized route, closing roads to vehicular travel, putting roads in storage (converting an open road to a Maintenance



Level 1 status) or changing the allowed classes of motor vehicles or time of year for motor vehicle use. Refer to FSH 7715 for more information on travel management decisions.

If you have engineering questions, please contact Joe Neer, Acting Regional Transportation Program Manager, 503-808-2512. For NEPA questions, please contact Julie Knutson at 503-808-2276.

/s/ Dianne C. Guidry (for)

JAMES M. PEÑA
Regional Forester

cc: Jose Linares, Christy Darden, Paul Podesta, Jeff Mast, ML Smith, Julia Riber, Julie Knutson.
FS-pdl R6 Environmental Coordinators 133095