

## APPENDIX A—GMS RESPONSE TO COMMENTS

<b>David C. Weber, Richard M. Weber, Owners of Cabin 55</b>	
<b>Comment 1</b>	<b>We are legally entitled to keep our lot as is, as previously authorized by the National Forest Service, or are due fair compensation. We are entitled to twenty years on our lease in which we have full access and use of our cabin with all previously authorized improvements. We ask that the Forest Service take financial responsibility for any actions that would jeopardize full use of our cabin. The EA proposal states our lease will be extended by twenty years, yet we will not have access to use it.</b>
<b>Response</b>	<p>The current 20-year recreation residence permit expires on December 31, 2008. The recreation residence special use permit outlines terms and conditions for new permit issuance. If use of the cabin and lot are fully consistent with the Forest Plan, a new 20-year permit shall be issued (EA, page 10).</p> <p>The special use permit outlines the process for issuing new permits under sections <i>IX. Issuance of a new Permit</i> and <i>X. Rights and Responsibilities Upon Revocation or Notification that a New Permit will not be Issued Following Termination of this Permit</i>.</p> <p>The permit does not include language that defines or requires “full access” to the cabin. It is not anticipated that access to and use of the cabin would be eliminated. The restoration activities at lot 55 in-and-of-themselves will have little-to-no effect on permit holder access at lot 55. If large wood were to be deposited in the overflow channel by one or more flood events, cabin users could be inconvenienced by longer walking distances and/or obstructions in accessing cabin 55; however, it is expected that the permit holders would still have access to the cabin (EA, page 73).</p> <p>The Forest Service will be responsible for reducing the berm and removing the fill material and culvert from parking area at cabin 55, even though some of these improvements were not authorized by the Forest Service and removal costs could be the responsibility of the permit holder, creating some savings for the permit holder of lot 55.</p>
<b>Comment 2</b>	<b>We were lead to believe this project could take many years to be up and running.</b>
<b>Response</b>	Nancy Ryke, Mt. Adams District Ranger, and Forest Service staff met with permit holders for cabin 53 and cabin 55 (including David and Richard Weber) to share the proposed action prior to any disclosure to the public on August 13, 2007. On August 20, 2007 a meeting was held with all permit holders to review the proposed action and preliminary effects (EA, page 16). The restoration actions, including lowering the berm would occur in 1-5 years as funding becomes available (EA, page 24).
<b>Comment 3</b>	<b>The action which is being proposed will cause significant damage to the property on which cabin 55 sits, and could negatively affect other lease</b>

	<b>holders.</b>
<b>Response</b>	The EA did not conclude that significant damage would be caused to the property on which cabin 55 sits. Lowering the berm and re-opening the side channel would result in lower velocities and stream power in the main channel of Trapper Creek. Stream power in the mainstem near cabin 55 would be reduced by an estimated 14-29% from current levels during high flow events and as a result the stream is likely to experience lower rates of erosion on the streambed and banks (EA, pages 52, 53). Adjacent lots are not expected to be directly damaged by this decision. As disclosed in the EA, it is possible that the lower slopes of the small rise on lot 53 could be eroded during some flows or through a sequence of disturbances in the main channel or side channel, but this is expected to be minimal, as cabin 53 sits above the floodprone elevations (EA, page 52). Lot 52 may also become at risk from erosion of its banks; although, this risk is evident whether or not the side channel is activated simply because the cabin is in close proximity to the mainstem and side channel (EA, page 52).
<b>Comment 4</b>	<b>There will be four 3-foot deep trenches in back of our cabin, deeming access impossible and rendering cabin 55 unusable with no propane, septic lines, or water lines...Water is necessary to the area for fire suppression; the cabin will become an environmental hazard having a high risk of falling into the creek in 1-5 years, when proposed work is begun.</b>
<b>Response</b>	As part of the decision, grade controls would be constructed through the side channel reach to prevent excessive downcutting. Grade controls would consist of approximately four trenches across the flood channel. Although each trench would be approximately 3-feet deep, trenches would be filled with large river rock and buried, and not be a barrier to access (EA, page 18).  The cabin owner can bury or relocate the water lines and the propane lines and continue to provide water and propane to the site. Septic system location and design are approved and permitted through Skamania County.
<b>Robert Pratt, GMSCA President</b>	
<b>Comment 1</b>	<b>Through the EA, the Forest Service is attempting to address negative impacts that are a consequence of faulty decisions made by the Forest Service in the past. I believe that the Forest Service should take responsibility for the decisions that were made...any financial loss incurred by the Weber's for the purpose of addressing environmental deficiencies in the stream bed in and around cabin 55, should be paid for by the Forest Service, owing to the fact that the Forest Service encouraged and permitted these activities in the first place.</b>
<b>Response</b>	The EA explains that riprap and gabions were constructed in the past because it was the accepted practice at that time to protect infrastructure. In one past instance with respect to cabin 55, the Forest Service approved a proposal by permit holders in 1972-1973 to install gabions to address streambank erosion (letters in the permit file).  The restoration actions proposed near cabin 55 are rectifying both authorized

	<p>and unauthorized past actions taken by current permit holders. Following the 1996 flood, the permit holders for cabin 55 submitted a proposal to build a “rock wall” to block high stream flows and to install a culvert in the overflow channel at the end of their “driveway.” The Forest Service approved construction of the “rock wall” (although it is unclear whether the height of the wall is consistent with the original proposal). The Forest Service denied approval of the culvert installation, and instead recommended a ford at the site to be comprised of river cobble placed along the contour of the flood channel. However, the cabin owners imported crushed gravel to the site and constructed a parking area that occupies, fills and obscures the entire flood channel at this location. (Holders of Cabin 53 also brought in unauthorized fill and installed two culverts at their driveway.) Implementation of the flood “repair” work in this case went beyond what was authorized, and resulted in reduced river access and function of the floodway. Placement of fine crushed gravels within the floodplain also exposes this non-native material to potential movement into the active channel of Trapper Creek.</p> <p>As part of the decision, the Forest Service will be responsible for reducing the berm and removing the fill material and culvert from parking areas at cabins 53 and 55. While some of these improvements were not authorized by the Forest Service and removal costs could be the responsibility of the permit holder, the Forest Service recognizes that the permit holders of lots 53 and 55 will have costs associated with cabin infrastructure (water lines, propane lines, cabin removal, etc) and adding restoration costs would be an additional financial impact.</p>
<b>The Cowlitz Indian Tribe</b>	
<b>Comment 1</b>	<b>The Cowlitz Tribe recommends that an Inadvertent Discovery Plan be attached.</b>
<b>Response</b>	Language regarding inadvertent discovery is included in the recreation residence special use permit. This has been clarified in the mitigation section of the EA on page 26.
<b>Gifford Pinchot Task Force</b>	
<b>Comment 1</b>	<b>The GP Task Force does not support the leasing of public land for use of private cabins. We request that the Forest Service consider buying out the private cabin owners and renting the cabins to the public as part of its recreation program.</b>
	An alternative was considered that addressed purchasing cabins at the GMS tract on page 26. This alternative was not carried forward as a feasible alternative; the reasons are discussed in the EA.
<b>Comment 2</b>	<b>Implementation of several of the mitigation measures associated with the permit renewal is the responsibility of the permit holder. What plans are in place to ensure that permit holders fulfill their obligations in implementing the mitigation measures?</b>
<b>Response</b>	The holder responsibilities on page 18 of the EA will be addressed through

	<p>permit administration. When new permits are issued, the authorized officer shall include terms, conditions, and special stipulations that reflect new requirements imposed by current Federal and State land use plans, laws, regulations, or other management decisions (36 CFR 251.64). If permit holders are found in violation of their permit consequences include verbal and written warnings, citations (fines) and, if necessary, permit termination.</p> <p>Some of the permit noncompliance items identified during the inspections conducted concurrent with the consistency review have been addressed by individual permit holders. All others will have to be completed before each 20-year recreation residence permit is issued.</p>
<b>Comment 3</b>	<b>One of the mitigation measures includes removal of two dams <i>or</i> to provide passage by reconstructing a channel in the vicinity of the dams. We see no reason why there should be two dams on Trapper Creek and request that the measure be revised so as to only require dam removal.</b>
<b>Response</b>	<p>In the original proposed action outlined in the August 31, 2007 scoping letter, activities included removing a dam on Maidenhair Creek and providing fish passage on an unnamed tributary to Trapper Creek. Between the scoping letter and the revised proposed action that was released as part of the preliminary EA, these actions were removed from the proposal and will be covered in future NEPA analysis (EA, page 19).</p> <p>It is likely that future NEPA will propose to remove the dam on Maidenhair Creek, as it is no longer used as a water supply. The second dam (on an unnamed creek) is currently being used by the GMS Association. A certificate of Water Right, which included a diversion dam, was issued to the “Government Mineral Springs Homesite Association” in 1944 for the purposes of “domestic supplies and fire protection” on an unnamed tributary of Trapper Creek. Prior to 1988, the GMS Cabin Association had a Forest Service special use permit for the entire water system. At this time the proposal is to identify fish passage for the dam. The issuance of recreation residence special use permits is not dependent on the association water system (EA, page 19).</p>
<b>Comment 4</b>	<b>Riprap impairs creek flow and riparian habitat and we do not believe it should be permitted in association with exclusive private use of public land.</b>
	This decision does not authorize any new riprap and in fact reduces the amount of riprap along the streambank. Existing riprap near cabin 21 will be removed and replaced with a more fish friendly structure that is meant to improve channel processes and instream habitat (EA, page 18).
<b>WA Dept. of Ecology</b>	
<b>Comment 1</b>	<b><i>If the Wind River or other watercourses within Gifford Pinchot National Forest are under the jurisdiction of the Shoreline Management Act (SMA), the policies and regulations of the SMA-Chapter 90.58 RCW, the Skamania County Shoreline Master Program (SMP), and Chapter 173-27 WAC, Shoreline Permitting and Enforcement apply this project.</i></b>

<b>Response</b>	Trapper Creek does not fit into any of the applicable categories or water bodies as described by the act. Federal lands are excluded from the Skamania County Shoreline Master Program.
<b>Bob Robinson, co-owner of cabin 24</b>	
<b>Comment 1</b>	<b>Please remember that the water system is important for fire suppression and flushing toilets. Any future analysis or actions pertaining to the water system (e.g. dams and pipe routes) should consider that it is essential for the cabins to continue in that setting.</b>
<b>Response</b>	The Forest Service acknowledges that a water system is an amenity that will enhance comforts of the cabins, however it is not a requirement. The need for a water system special use permit will be addressed as part of a future NEPA effort.
<b>Comment 2</b>	<b>The Forest Service should share any financial costs to the owners of cabins impacted by changes in the creek flow that result from the Forest Service changing the existing berms and gabions. It will not be fair if cabin owners must bear the full cost of those past and future decisions and actions.</b>
<b>Response</b>	It is not the responsibility of the Forest Service to share financial costs with the cabin owners from the effects of natural events. As stated in the permit, “the holder assumes all risk of loss to the improvements resulting from acts of God or catastrophic events, including but not limited to, avalanches, rising waters, high winds, falling limbs or trees and other hazardous natural events” (Term Special Use Permit for Recreation Residences, IV.F).  Also see response to Pratt, comment 1.
<b>Michael and Virginia Oliver, cabin owner</b>	
<b>Comment 1</b>	<b>General Concerns with the PEA: These included questions of compliance with OMB Circular A-95, with FSM 1921 (the 2005 Planning Rule requirements), with FSM 1921.81 (the requirement for the use of best available science), with interpretation of the requirements and applicability of Executive Order 11988, and more generally, with the frequent use of citations for which no full reference was provided anywhere in the PEA or which involved studies or science 25 or more years old and/or the use of undocumentable, personal communications in lieu of qualifying scientific citations.</b>
<b>Response</b>	As clarification, OMB Circular A-95 relates to the review of federal grants involving states and does not apply to the issuing of recreation residence special use permits. The commenter does not site specific inadequacies based on the requirements from FSM 1921 (the planning rule). In general, FSM 1921 relates to the amendment and revision of Forest Plans and does not apply to project-level NEPA analyses. The Forest Service is required to consider the best available science and when appropriate acknowledge incomplete or unavailable information, scientific uncertainty, and the variability inherent in complex systems (NEPA Regulations 40 CFR, part 1502.22 and 1502.24; and 36 CFR § 219.22) and the EA reflects that requirement. The references for the aquatic

	section were inadvertently left out and have been added in the final version of the EA.
<b>Comment 2</b>	<b>Unlike most other PEAs associated with Recreational Residence SUP renewals nationwide, the alternative to reissue all 44 permits <u>without any additional action</u> was dismissed as not practicable. We disagree and believe the Assessment is flawed with respect to process and science as a result. The third alternative, “No Action” is both a misnomer (it represents the most radical and expensive action) and is flawed with respect to process and science (page 2).</b>
<b>Response</b>	<p>In most cases, the no action of an ongoing activity represents no change from current management. In this situation; however, no change would not meet applicable legal requirements, as was identified in the purpose and need of the EA (EA, pages 10-14). In addition, a “no change” alternative was included as an alternative considered but eliminated from detailed study and rationale was included for this decision (EA, page 27). National direction provided during training for the Consistency Review Continuation Determination for Recreation Residence process directed that at least two alternatives be considered:</p> <ul style="list-style-type: none"> <li>• No Action – Current permits allowed to expire and current use would not continue;</li> <li>• Proposed Action – as derived from the consistency review findings, compliance reviews, etc.).</li> </ul> <p>The Consistency Review findings done on the GMS tract identified inconsistencies and therefore issuing the permits without any additional action would not have addressed the findings.</p>
<b>Comment 3</b>	<b>Furthermore, we believe some of the assertions regarding why this alternative could not have been considered are flawed: First, we do not believe there are significant tract-wide compliance problems associated with EO 11988 or with the GFPF or with Amendment 11. We also believe the scientific basis for restoration of critical habitat for O. mykiss is significantly overstated, not supported by peer-reviewed current studies and is insufficiently documented.</b>
<b>Response</b>	Pages 42-50, 59, 60 of the EA address critical habitat and the habitat elements that are important to steelhead and Chinook. Habitat attributes are reported for the GMS reach of Trapper Creek, and compared against existing standards where available. References are provided within the text of the EA. The commenter does not offer any alternative peer-reviewed science or documentation.
<b>Comment 4</b>	<b>We believe this PEA really only evaluates one alternative: the restriction of use, access, marketability and longevity of cabin 55 (and to a lesser degree, cabin 53) in the name of compliance which is, at best, questionable.</b>
<b>Response</b>	NEPA requires the analysis and disclosure of a “range of alternatives.” This includes all reasonable alternatives as well as alternatives considered but eliminated from detailed study with a brief discussion of the reasons for eliminating them. The EA has met this requirement in its range of alternatives disclosed. On page 10 of the EA the direction for the consistency review and permit reissuance is explained. Use must be consistent with the Forest Plan for

	permits to be reissued. A Consistency Review was completed on August 21, 2007 and it was determined that several steps would need to be taken to bring the area into compliance. All of the alternatives vary to some degree on permit renewal; however all alternatives include restoration actions, because the Forest Service determined that even if permits were not renewed (Alternative 3—No action), the restoration actions would still need to occur to comply with the Forest Plan and Forest Service direction.
<b>Comment 5</b>	<b>When reading this document, we frequently found ourselves asking about the unstudied and non-disclosed impact on the ecology by day users, wood cutters, mushroom and game hunters, floral product gatherers, campers using illegal camps on the creek banks between river miles (RM) 0 to 3.9 as well as at the confluence, by the use of off-road vehicles on and off established trails at or near the creek banks, snowmobiles, the effects of horses, dogs, and other animals, etc. Further, there was no discussion regarding the impact of previously discussed activities that Permit holders have historically engaged in (e.g., dam building to create swim holes, etc.).</b>
<b>Response</b>	A Social, Economic and Recreation Impact Analysis is included in the EA which discusses the effects of recreational and public use at recreational facilities and within Trapper Creek Wilderness (EA, pages 72-78). Other uses listed by the commenter were not deemed to be directly or indirectly related to issuing new permits within the GMS tract. The EA addresses the consistency of the tract (or lots) for recreation residence use with laws, regulations and policy. Many of the items included in the Consistency Checklist, such as unauthorized cutting of riparian vegetation, unauthorized holder improvements or modifications to existing improvements address issues with permit holder compliance with the terms and conditions of their permit. These types of actions are addressed through permit administration.
<b>Comment 6</b>	<b>Curious too was the omission of as rigorous a scientific analysis to the impacts and likelihood of achieving the scientific outcomes of the Proposed Action as was applied to the problems associated with the “berm” at cabin 55 in the first place. For example, the presence and importance of restoration of conditions favorable for O. mykiss in the Trapper Creek system was “documented” by a non-verifyable, personal conversation.</b>
<b>Response</b>	Some aquatic references were inadvertently left out of the EA including the personal communication with Ian Jezorek of the USGS Columbia River Research Lab. The reference omissions will be corrected in the final EA.
<b>Comment 7</b>	<b>We believe the authors intended to produce a document that wrongly and disproportionately places blame for any improvements that now may negatively impact the environment and/or ecology of the Trapper Creek systems on the current and past cabin owners. The suggestion the Tract needs to come into compliance ignores the Forest Services’ own involvement and approval for the currently controversial improvements.</b>
<b>Response</b>	The intent was not to place disproportionate blame on cabin owners for negative impacts to the environment and this is not reflected in the EA. The document does acknowledge Forest Service involvement in past work in the tract, and provides a description of some Forest Service work to clear the

	channel of woody debris in past decades, and to construct riprap and gabions to control the stream channel—work that is now recognized to negatively affect aquatic habitats. The document attempts to evaluate the current situation against current standards and guidelines, and to make recommendations on how to best bring the GMS tract into compliance with current standards.
<b>Comment 8</b>	<b>We also believe the objective of the District staff as part of the previously completed Consistency Review process as well as the current Preliminary Environmental Assessment to “make existing sites comply with EO 11988” is neither mandated nor authorized for “actions” that predate the Order, or for “actions” for which the Forest Service has already provided “appropriate guidance” but for which new or otherwise conflicting scientific or land management theories exist and are different from those used initially to grant the guidance and approval. To the extent EO 11988 is even applicable to small, non-navigable, non-commercially relevant waters like Trapper Creek, we believe the Forest Service (including some of the current authors) has already provided “appropriate guidance” as required under the Order. The Plan and Order exist to provide guidance to staff for proposals for “newly developed” or “expansions to sites,” and are not intended to be unilaterally applied to previously approved, existing sites.</b>
<b>Response</b>	<p>The Forest Plan states that “existing sites shall be made to comply with Executive Orders 11988 and 11990” (EA page 12). This standard specifically directs the Forest Service to review existing sites and adjust management of them as necessary. In addition, the Forest Plan states that the capability of floodplains to contain floods should not be reduced.</p> <p>Over the past decades, significant research has been conducted on aquatic habitats and life histories of anadromous salmonids in the Pacific Northwest (EA pages 39-50). Research in this area has furthered an understanding of physical and biological processes, and the important linkages between them. One role of Forest Service representatives is to incorporate new information in analyses and in land management decisions, as that information becomes available. In some cases, what once may have seemed to be “appropriate” based on the understanding at that time is now no longer “appropriate.”</p>
<b>Comment 9</b>	<b>Generally, floodplains affected are listed by the US Army Corp of Engineers, or a FEMA “Flood Hazard Boundary Map,” or “Flood Insurance Rate Map.” Using these criteria, Trapper Creek does not appear to be one of the floodplains bound by this order regardless of and not withstanding the broad applicability provided through adoption of the Forest Plan.</b>
<b>Response</b>	<p>Section 6(c) of Executive Order 11988 defines the term floodplain as it is used in the context of the Order:</p> <p>“The term "floodplain" shall mean the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater</p>

	<p>chance of flooding in any given year.”</p> <p>There is no indication that the Executive Order is intended to apply only to floodplains mapped by USACE or FEMA.</p>
<b>Comment 10</b>	<b>Why is it acceptable for some parts of the re-engineered creek to remain and others to be subject to extensive modifications and further re-engineering?</b>
<b>Response</b>	The analysis and recommended actions have focused on those parts of the system that are currently causing or contributing to further degradation of the aquatic system. Over time, Trapper Creek has shifted locations on the valley floor. In some situations the stream has moved well away from previously constructed gabion walls, and is no longer influenced by those gabions. In these cases the disturbance involved with removing gabions was considered to be greater than the benefit of their removal (EA, page 50, 51).
<b>Comment 11</b>	<b>There is no discussion or citation of concurrent projects, studies supporting the science suggested in the re-engineering, or discussion of the probable increase in numbers of fish in residence or migration, etc. The only “evidence” provided is a reference to modeling conducted by the author which was done outside the constraints of a peer-reviewable, published study. The author continues to speculate in the absence of any empirical data that “As a result, the stream is likely to experience lower rates of erosion on the streambed and banks.” This seems a reasonable enough hypothesis, but will the outcome anticipated result in measurable, long-term enhancements to the ecology of the Creek in or near this section that justify both the expense of this project and the dislocation of the current permit holders?</b>
<b>Response</b>	Analysis and findings relative to the hydraulics of Trapper Creek in the vicinity of cabin 55 are based on empirical data collected at the site and throughout the reach of Trapper Creek. These data include topographic surveys, discharge measurements, substrate assessments and visual observations at the site over a range of flow conditions. Empirical data were analyzed with HEC-RAS, a state of the art hydraulic model developed by the Hydrologic Engineering Center of the US Army Corps of Engineers. As a state of the art model, the model has been subject to significant review and was an appropriate tool for this application.
<b>Comment 12</b>	<b>We question whether [the design criteria/mitigation measures] section complies with FSH and FSM requirements or provides the public and affected SUP holders with sufficient detail to reserve future appeal rights associated with the development of or obtaining necessary permits, approvals, work plans, etc. to carry out the Proposed Action.</b>
<b>Response</b>	The design criteria/mitigation measures listed on page 25 and 26 of the EA are routine mitigation. Some clarification has been added to this section in the EA.
<b>Comment 13</b>	<b>Two sets of issues exist that were not addressed in the PEA: One, the resulting devaluation of the underlying lot for both cabins 53 and 55. Two, the conversion of the platted lots to an alternative public use without full study or offer of compensation. The action would also likely remove the</b>

	<b>incentive and financial justification for the holder to make reasonable and routine on-going repairs or perform maintenance on the lot which could jeopardize future listing as a historic site. In short, it seems (at best) disingenuous to offer a 20-year renewal to the holder, but at the same time place such burdens and restrictions on the use and marketability of the improvements as to render the arrangement a conversion to an alternative public use without first having gone through the entire procedural requirements for such a conversion.</b>
<b>Response</b>	It has not been determined that devaluation would occur on lots 53 and 55 with this decision. Alternative 2 was selected in the decision. Alternative 2 offers an in-lieu lot and does not issue a 20-year permit for lot 55. This decision is based on inconsistencies with the Forest Plan (EA, pages 10, 11). Also see response to Robinson, comment 2 regarding financial compensation.
<b>Comment 14</b>	<b>Regarding the conversion to an alternative public use, the PEA fails to acknowledge that within 1-5 years, the Forest Service intends to take actions that would significantly alter the lot so it no longer conforms with the scope or purpose for which it was platted – a conforming Recreational Residence lot as authorized by the Term Occupancy Act.</b>
<b>Response</b>	The majority of lots in the tract were surveyed between 1919 and 1946, prior to construction of the barriers that currently deflect Trapper Creek away from lot 55 during high flows. The Forest Service proposals in the vicinity of cabin 55 would simply reduce the berm and remove gabions and other artificial structures that have been placed along the channel since the original platting of the lots. Since original platting of the lots, there have been changes in federal law and policy, as well as changes in the actual functioning of Trapper Creek in the vicinity of the recreation residences. This review process is intended to ascertain the degree to which the existing cabins comply with contemporary federal law and policy, given the current suite of resource conditions in the tract. As described in the EA, the analysis indicates that the berm at cabin 55 is not consistent with current federal law and policy (EA, pages 10, 11). The Forest Supervisor selected Alternative 2 which does not issue a permit to the cabin owner on lot 55.
<b>Comment 15</b>	<b>At the time of the last SUP 20-year renewal in 1988, EO 11988 had been in force for a decade, yet there exists no evidence that the Forest Service deemed the infrastructure of improvements (pit toilets included) to be inconsistent with the any part of the forest plan, rules or regulations or applicable executive orders prior to issuing new permits for all 44 SUP holders.</b>
<b>Response</b>	The Gifford Pinchot National Forest Land and Resource Management Plan was completed in 1990, after GMS recreation residence SUPs were issued in 1988. It is true that EO 11988 had been in place in 1988. There is no documentation that a consistency review was completed in 1988 during the permit reissuances. The absence of previous reviews does not preclude the applicability of EO11988 or other current, legal requirements. Each time permits are issued, a complete consistency review must be completed and use must be consistent in order to issue new permits.

<b>Comment 16</b>	<b>This PEA fails to routinely and systematically incorporate modern science through reference and/or research.</b>
<b>Reponse</b>	See response to Oliver, comment 6.
<b>Brad Grimsted</b>	
<b>Comment 1</b>	<b>Has anyone tested the paint on Cabin 55 to see if it contains lead? There are inexpensive kits that can be purchased and a wipe test can be performed. If the paint on Cabin 55 does contain lead, and if it was undermined by a high water event, I think it is very unlikely that there would be any impacts due to lead toxicity. First, I don't think the lead would be soluble in water in that if it was soluble in water it would wash off the side of the cabin. In all likelihood, it would act in a manner similar to lead fishing weight and be deposited on the bottom of the stream.</b>
<b>Response</b>	Although lead paint was noted as a concern in the purpose and need (EA, page 15), the analysis in the aquatic section did not conclude that toxic impacts from lead paint was a concern and it was determined that there is a very low risk that the cabin could be washed away.
<b>Comment 2</b>	<b>What exactly constitutes hazardous materials? Hazardous to fish, people, terrestrial organisms? Oil, gasoline, concentrated cleaning supplies might be hazardous materials if they were stored in an unsafe manner. The PEA should be updated to be explicit about this issue.</b>
<b>Response</b>	Hazardous materials are materials that are potentially harmful (toxic) to humans and/or the environment. Washington Department of Ecology and US Environmental Protection Agency have developed numeric water quality criteria for toxic materials in the aquatic environment--including the items mentioned by the commenter: oil, gasoline, cleaning supplies, and including other common products such as pesticides (USEPA 1986, Washington Administrative Code 173-201A-240). These water quality standards are in place to protect humans and the environment, including fish and other aquatic organisms and any terrestrial species that consume the aquatic organisms as food. The EA identifies removal of hazardous materials from floodprone areas because storage of hazardous materials within floodprone areas is a safe practice.