

# DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

## Mountain Loop Scenic Byway Trailhead Enhancement Environmental Assessment

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

An Environmental Assessment (EA) that discusses the proposed Mountain Loop Scenic Byway Trailhead Enhancement on the Darrington Ranger District, Mt. Baker-Snoqualmie National Forest has been completed. The EA is available at the Darrington Ranger District office, 1405 Emens Avenue, Darrington, Washington 98241 and on the Forest website at [www.fs.fed.us/r6/mbs](http://www.fs.fed.us/r6/mbs). The proposed project is located in Section 23, T.30N., R.8E. and in Sections 23 and 26, T.30N., R.10E. in the South Fork Stillaguamish River drainage. The proposed action addresses the need to provide appropriate capacity and safe parking for the Lake 22 and Perry Creek Trails, and to enhance the recreational experience while minimizing impacts to other resources.

### Decision

Based on my review of the alternatives, it is my decision to select **Alternative 3 for the Lake 22 Trail and Alternative 2 for the Perry/Dickerman Trailhead**, including all listed mitigation measures, management practices and requirements, and monitoring, to provide appropriate capacity and safe parking for the Lake 22 and Perry Creek Trails, and to enhance the recreational experience. The rationale for my decision is presented below. My decision takes into consideration the analysis and evaluation disclosed in the environmental assessment, including the manner in which each of the alternatives met the need for action and how each alternative addressed the issues. I also considered all of the public comments raised during analysis.

Implementation of Alternative 3 would maintain a parking capacity of 48 at Lake 22 Trailhead, which is the amount that has been used in the past, and it would be safer parking since it would not be along the highway and visibility would be better (EA page 33). Implementation of Alternative 2 for the Perry/Dickerman Trailhead would increase the parking capacity for the Perry Creek and Dickerman Trails to 55 spots to provide for current use and a small future increase in demand and it would be safer than parking along the Perry Creek Road (EA pages 30-33). This project would enhance the recreational experience along this portion of the Mountain Loop Scenic Byway (EA pages 30-34). This project would not change the eligibility of the South Fork Stillaguamish River for inclusion in the Wild and Scenic River System and visual quality objectives would be met (EA pages 26-27). This project would be neutral to the creation and maintenance of late successional habitat and would not adversely affect Late Successional Reserves (EA pages 40-41, 68-72). This project would have a neutral effect on the Lake 22 and Perry Creek RNA (EA pages 41-42) and would have no impact on sensitive and survey and manage moss and plant species, wetlands, and noxious weeds (EA pages 42-

43). There would be no measurable effect on hydrology or water quality and only a minor short term loss (enlarged trailhead) of soil productivity with a long term gain (closed road) over time (EA pages 47-48). Riparian Reserve standards and guidelines would be met and there would be no measurable effect on the Riparian Reserve function and the project would not prevent attainment of Aquatic Conservation Strategy Objectives (EA pages 49-51). There would be no effect to federally listed threatened or endangered fish species or critical habitats (EA pages 54-55). There would be no impact to sensitive and other special status fish species and no effect to essential fish habitats (EA pages 54-56). There would be no effect on grizzly bear (EA pages 68-72). This project may affect, but not likely to adversely affect the owl and murrelet due to potential noise disturbance during the breeding season (EA pages 68-76). The expansion of the Perry/Dickerman Trailhead may affect, but is not likely to adversely affect marbled murrelet or spotted owl critical habitat due to the removal of less than an acre of forest cover which would not result in the loss of the stand functions for critical habitat (EA pages 68-76)

My decision includes the following activities (see *EA pages 13-22 and the Appendix for full description and drawings*):

**Lake 22-**The parking lot would be expanded from approximately 30 to 48 vehicles by removing some of the vegetation from around the interior island and parking lot perimeter. Forty-eight is the current estimate of use when the lot is full and cars are parked along the Mountain Loop. Brush, rocks, and small trees would be removed, but not any of the large trees. The entire parking area would receive a new lift of crushed rock (approximately 2 inches), and the entrance would be constructed to meet County road intersection standards, with ditching on both sides. Wheel stops would be installed in the new parking slots. Total area of disturbance would be approximately 0.08 acre. No parking would be allowed along the remaining open road shoulder of the Mountain Loop Scenic Byway and would be enforced by County and Forest Service law enforcement personnel. Once the parking lot fills, hikers would need to go to a different destination.

A new toilet (double stall CXT Rocky Mountain style) would be installed north of its current location to take advantage of better sunlight to improve the flow of air to the toilet, reducing odor. The old toilet would be removed, the hole filled, and concrete beat into chunks with the excavator. No new kiosk would be needed. Signing would be added (trailhead parking ahead, stop sign, a one-way sign). A small bulletin board would be installed near the new toilet.

**Dickerman Trailhead-** Perry Creek Trailhead would be relocated to the Dickerman Trailhead. The current parking lot would be expanded from approximately 20 to 55 vehicles. The new addition and existing parking lot would get a layer of gravel to the depths needed, the entrance would be constructed to meet County road intersection standards, and about four to five feet of width added to the entrance road. A log would be placed between the rows of parking, which would come from on-site, and wheel stops would be added to the old and new sites. There would be straight pull-in parking rather than angled parking. Boulder traffic barriers would be added to both ends of the parking islands, at the west end of the parking lot, and at the east end to separate the toilet area. The total area of new disturbance would be approximately 0.37 acre. The estimate of trees to be removed is as follows:

- Douglas-fir-15 trees at 21 to 35 inches diameter, 10 trees at 15 to 21 inches diameter, and 3 trees less than 15 inches diameter.
- Western red cedar-7 trees at 5 to 15 inches diameter.

The existing Dickerman toilet would remain with a new single stall toilet (CXT Rocky Mountain style) added to the west end for Perry Creek trail users. The existing kiosk for Dickerman would be replaced and a new kiosk added to the west end for Perry Creek Trail. The existing bulletin board at the current Perry Creek Trailhead would be removed. New signs include an entrance sign (indicating parking for Dickerman and Perry) and directional signing.

A connector trail would be built between the parking lot and milepost 0.70 on the Perry Creek Road leaving 0.40 mile to be converted to trail. The hiker-only trail would be approximately three-foot wide, and one mile in length. The route is dry, crossing few streams, all of them ephemeral. No bridges, turnpike, or puncheon would likely be used. The Perry Creek Road-to-trail conversion would entail side cast pull back, removal of some culverts, and installation of water bars. The remaining 0.70 mile of the Perry Creek Road and the 0.30-mile long Road 4063030 would be closed and placed in storage as funding is available. This would include pulling unstable side cast, removing some culverts, installing water bars and blocking the road.

## **Mitigation Measures, Required Monitoring Included in the Decision**

My decision also includes the following mitigation measures, management, and monitoring requirements (EA pages 19-22). These mitigation measures were developed to minimize or avoid potential resource impacts, and are required actions in the implementation of this decision:

### **Fisheries, Hydrology, Riparian Reserve**

While activities associated with Alternatives 2 and 3 are expected to have no effect to fisheries, these conservation measures would eliminate or minimize effects to riparian and aquatic habitats from road treatment and trail construction:

*Felled Trees.* Trees that must be felled within the riparian reserve and/or within the channel migration zone and floodplain should be felled toward the stream and left in place.

*Equipment Staging and Maintenance.* Equipment/machinery staging, cleaning, maintenance, refueling, and fuel storage involving potential contaminants such as fuel, oil, and hydraulic fluid, should take place in a staging area placed 150 feet or more from any stream, water body or wetland. All vehicles and equipment operated within 150 feet of any stream, water body or wetland should be inspected daily for fluid leaks before leaving the staging area. Any leaks detected should be repaired in the staging area before resuming operation. Hazardous spill clean-up materials should be retained on site pertinent to the equipment being used.

*Weather Conditions.* If wet weather conditions during project operations generate and transport sediment to a stream channel or other water body, operations should cease until the weather conditions improve.

*Erosion Control.* Erosion-control methods should be used to minimize the entry of silt-laden water into streams or other water bodies, and all disturbed ground should be reclaimed using appropriate best management practices. Measures should be retained after project construction until soil has stabilized and are unlikely to erode into streams. Excess material should be disposed of and stabilized so it does not enter stream channels or other water bodies.

*Streambanks.* Streambanks should be properly sloped to an angle of natural repose after culverts have been removed.

*Treated Wood.* Projects using treated wood for any structure that may contact flowing water or that will be placed over water should not be used.

*Trail Rehabilitation.* Old trail sections should be treated to prevent further use from occurring, and rehabilitated as needed.

*Trail Bridge Works.* Trees within 100 feet of a stream course should not be used as bridge stringers. Construction of trail bridges should adhere to these design parameters:

The bridge should fully span the bankfull elevation of the stream channel, especially if over a spawning area.

The bridge should be of sufficient height above flood waters to allow debris passage underneath.

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

## **Cultural Resources**

Should previously unidentified heritage resources be discovered during project implementation, or if an identified resource is affected in an unanticipated way, the Heritage Specialist shall be notified and the Forest would fulfill its responsibilities within the Programmatic Agreement regarding Cultural Resource Management. The Stillaguamish Tribe shall also be notified.

## **Botany**

All areas disturbed during construction will be re-seeded with the following seed mix "C": tufted hairgrass (*Deschampsia caespitosa*) @ 4 lbs/acre, annual ryegrass (*Lolium multiflorum*) @ 10 lbs/acre, winter triticale (*Triticum aestivum x Secale cereale*) @ 60 lbs/acre, and alsike clover (*Trifolium hybridum*) @ 2 lbs/acre.

Once seeded, the areas will be covered with weed-free straw. The seeding and mulching applies to disturbed areas around the Lake 22 Trailhead, Dickerman Mountain Trailhead, Gold Basin Mill Pond parking lot, and the portion of the Perry Creek Road converted from road to trail.

All equipment brought on to the National Forest must be free of weeds and weed seeds.

All gravel sources, rock sources, and borrow sites must be weed free. See the District Botanist for a list of rock sources that have been surveyed and found to be weed free.

Maintain trail registration boxes for all trails (Lake 22, Perry Creek, and Dickerman Mountain) to monitor levels of use. Install an electronic counter (if available) to monitor use of the Perry Creek trail above Perry Creek Falls.

## **Wildlife**

These conservation measures are to minimize noise disturbance during the breeding season for spotted owl and marbled murrelet:

For the Perry to Dickerman connector trail construction, blasting may occur from August 6 to February 28. From August 6 to September 15, blasting and use of motorized equipment would occur between two hours after sunrise and two hours before sunset.

The breakup of the cement at the existing Lake 22 toilet would occur between two hours after sunrise and two hours before sunset if it occurs from May 1 to September 15 with no restrictions between September 16 and April 30.

## **Recreation**

Implement management treatment monitoring described in the Lake 22 RNA Management Plan. This monitoring would measure use levels, and physical impacts along the trail, and along the lakeshore.

Develop and implement monitoring in the Perry Creek RNA that also measures use and physical impacts along the trail, and at Perry Creek Meadows.

## **Contract Monitoring**

All Government contract work shall be conducted under the general direction of the Contracting Officer and is subject to Government Inspection and tests at all places and at all reasonable times before acceptance to ensure strict compliance with the terms of the contract.

## **Reasons for the Decision**

I selected Alternative 3 for Lake 22 Trailhead and Alternative 2 for the Perry/Dickerman Trailhead because I believe that this alternative best meets the need for action (EA page 1) to provide appropriate capacity and safe parking for the Lake 22 and Perry Creek Trails and enhance the recreational experience while minimizing effects to other resources. My decision will result in enhancing the trailheads for the Lake 22, Perry Creek and Dickerman Trails. The Mountain Loop Scenic Byway is a premiere driving-for-pleasure destination located only 30 to 60 minutes from the greater Seattle metropolitan area. It is the only route of its kind on the Mt. Baker-Snoqualmie National Forest (EA page 1).

In making my decision, I carefully reviewed the analysis and also the public comments received on the preliminary EA. I examined the action in relationship to the goals and objectives of the Mt. Baker-Snoqualmie Land and Resource Management Plan (Forest Plan), as amended, which includes providing a wide variety of year-round recreational experiences and facilities at developed sites and providing for proper utilization of the site, control of traffic, public safety, sanitation, site protection, grading, landscape planting and use distribution (EA page 5). I also considered the access needs and resource concerns noted in the Forest-wide Roads Analysis (EA pages 10, 24-25). In making my decision, I considered the responsiveness of the alternatives to the issues, other applicable laws, regulations, and policy, Tribal Treaty rights, and public input. I also looked the effects of implementing any of the alternatives—including no action—on the physical, biological, social, and economic environment, and at the costs for the project.

I believe that Alternative 3 for Lake 22 Trailhead and Alternative 2 for Perry/Dickerman Trailhead provide the best balance among these considerations. Implementation of my decision meets the need for action and is consistent with the goals, standards and guidelines of the Forest Plan, as amended. Implementing this combination of Alternatives 2 and 3 will result in an improved and safer recreational experience than no action (EA pages 30-35).

**How My Decision Addresses the Issue of Increased Impacts to the Research Natural Areas:** My decision responds to the concern for impacts to the Research Natural Areas as this project would have a neutral effect on the Lake 22 and Perry Creek RNA (EA pages 41-42).

**How My Decision Addresses the Issue of Reduce Safety Hazards:** My decision responds to the concern of current safety hazards at Lake 22 Trailhead as it would provide safer parking since it would not be along the highway and visibility would be better (EA pages 30-33). The parking for the Perry Creek Trail would be moved to the Dickerman Trailhead and it would be safer than parking along the Perry Creek Road (EA pages 30-34).

**How My Decision Addresses the Issue of Minimizing Costs:** My decision responds to this concern as it eliminates one trailhead and one mile of road maintenance while adding one mile of trail (EA pages 24-25, 30-35).

**How My Decision Addresses the Issue of Impacts to LSR:** My decision responds to the concern as it would be neutral to the creation and maintenance of late successional habitat and would not adversely affect Late Successional Reserves (EA pages 40-41, 68-76).

**How My Decision Addresses the Issue of More Difficult and Longer Access:** My decision responds to the concern as it will add an additional 15 minutes one way on the Perry Creek Trail and that would not likely change the type of use (EA pages 31-35).

**How My Decision Addresses the Issue of Impacts to Fish and Habitat:** My decision responds to the concern as Riparian Reserve standards and guidelines would be met and there would be no measurable effect on the Riparian Reserve function and Aquatic Conservation Strategy Objectives (EA page 50). There would be no effect to federally listed threatened or endangered fish species and critical habitats

(EA pages 54-55). There would be no impact to sensitive and other special status fish species and no effect to essential fish habitats (EA pages 54-56).

**How My Decision Addresses the Issue of Impacts to Spotted Owls and Marbled Murrelets:** My decision responds to the concern as there would be no effect on grizzly bear (EA pages 68-76). This project may affect, but not likely to adversely affect the owl and murrelet due to potential noise disturbance during the breeding season (EA pages 68-76). The expansion of the Perry/Dickerman Trailhead may affect, but is not likely to adversely affect marbled murrelet or spotted owl critical habitat due to the removal of less than an acre of forest cover which would not result in the loss of the stand functions for critical habitat (EA pages 68-76).

## **All Alternatives Considered in Detail**

Three action alternatives and the no action alternative were analyzed in detail in the EA, along with four alternatives that were considered but eliminated from detailed study (EA pages 13-19).

### **Alternative 1 No Action**

**Lake 22 Trailhead**-The no action alternative would leave the Lake 22 parking lot (30 parking slots) as it is. Additional vehicles (18 estimated) would park along the highway until Snohomish County Public Works installs guardrails along this portion of the Mountain Loop Scenic Byway in 2007.

**Perry Creek Trailhead**-No changes would be made to the Perry Creek Trailhead, which consists of an unimproved road end, with little room for parking or turning around.

### **Alternative 2**

**Lake 22 Trailhead**-No additional parking would be added to this site. Once the parking lot fills, people would have to find another trail. No parking would be allowed along the remaining open road shoulder of the Mountain Loop Scenic Byway and would be enforced County and Forest Service law enforcement personnel.

**Perry Creek Trailhead** would be relocated with the Mt. Dickerman Trailhead and a mile of trail construct to tie the Perry Creek Trail to this new trailhead. The Mt. Dickerman Trailhead parking lot would be expanded by approximately 35 stalls (from 20 to 55) to incorporate the Perry Creek Trailhead and 10 additional spots. Total area of new clearing would be approximately 0.37 acre. Trees to be removed are estimated as follows:

- Douglas-fir-15 trees at 21 to 35 inches diameter, 10 trees at 15 to 21 inches diameter, and 3 trees at less than 15 inches diameter.
- Western red cedar-7 trees at 5 to 15 inches diameter.

There would be a connector trail built between the parking lot and milepost 0.70 on the Perry Creek Road, leaving 0.40 mile to be converted to trail. The connector trail would be approximately one mile in length. The remaining 0.70 mile of the Perry Creek Road and the 0.30 mile 4063030 spur road would be closed and placed in storage.

**Cost** - The estimated cost for this alternative would be \$160,000 for trailhead construction, \$60,000 for trail construction, and \$46,000 for Perry Creek roadwork. Gravel and rock would be obtained from commercial rock pits located outside of the National Forest.

### Alternative 3

**Lake 22 Trailhead**-The trailhead parking lot would be expanded from approximately 30 to 48 vehicles by removing some of the vegetation from around the interior island and parking lot perimeter. Forty-eight vehicles comprise the current estimate of use when the lot is full, and overflowing cars are parked along the Mountain Loop

**Perry Creek Trailhead**-The Perry Creek Trailhead would be relocated with the Mt. Dickerman Trailhead and a mile of trail construct to tie the Perry Creek Trail to this new trailhead. At the Mt. Dickerman Trailhead, the current parking lot would be expanded from approximately 20 to 70 vehicles. The total area of new disturbance would be approximately 0.44 acre. The estimate of trees to be removed is as follows:

- Douglas-fir-25 trees at 21 to 35 inches diameter, 15 trees at 15 to 21 inches diameter, and 5 trees less than 15 inches diameter.
- Western red cedar-10 trees at 5 to 15 inches diameter.

There would be a connector trail built between the parking lot and milepost 0.7 on the Perry Creek Road leaving 0.40 mile to be converted to trail. The trail would be approximately one mile in length. The remaining 0.70 mile of the Perry Creek Road and the 0.30 mile 4063030 spur road would be closed and placed in storage.

**Costs**-The estimated for this alternative would be \$270,000 for trailhead construction, \$60,000 for trail construction, and \$46,000 for Perry Creek roadwork. Gravel and rocks would be obtained from commercial rock pits located outside of the National Forest.

### Alternative 4

**This alternative would be the same as Alternative 3 with additional parking for Lake 22 at Gold Basin Mill Pond by connecting with a trail.** Parking would also be added to the Gold Basin Mill Pond interpretive site by using some of the space currently occupied by vegetation islands and adding sites to the east side of the parking lot. A connector trail between Gold Basin Mill Pond and the Lake 22 trail would be constructed. This route would be about 0.50 miles-long.

**Costs**-The total estimated cost for this alternative would be \$310,000 (\$40,000 for Gold Basin Mill Pond) for trailhead construction, \$192,000 (\$132,000 for Gold Basin connector trail) for trail construction, and \$46,000 for Perry Creek roadwork. Gravel and rocks would be obtained from commercial rock pits located outside of the National Forest.

### Public Involvement

Government-to-government consultation and tribal notification was conducted. Following identification of the proposed action, scoping letters (dated April 13, 2005) were mailed to 327 groups and individuals and to 7 tribes. Twelve responses were received and are summarized on EA pages 85-86. Concerns included impacts to fish habitat, forest vegetation, cultural resources, marbled murrelets and effects on safe and adequate recreation use and access. Several ideas for alternatives were provided as well as concerns for costs.

Public comments were considered throughout the process of developing the preliminary EA. The Preliminary EA was made available for public review and comment for a 30-day period from March 9 through April 9, 2007. The complete document was also made available on the MBS website. By the end of the comment period, a total of five responses were received and all were fairly supportive of the



proposed action except for making the Perry/Dickerman Trailhead a little smaller (EA page 87). I have reviewed and considered all substantive comments received in response to the Preliminary EA, and have used these comments to enhance the project analysis.

## **Finding of No Significant Impact**

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

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

This project is site-specific to the Mountain Loop Scenic Byway Trailhead Enhancements and, by itself, does not have international, national, region-wide or statewide importance. Resource commitments include common rock and gravel for the road and parking and the loss of less than an acre of forested area for the parking is an irretrievable commitment (EA page 82).

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

Impacts can be both beneficial and adverse. This project would not change the eligibility of the South Fork Stillaguamish River to inclusion in the Wild and Scenic River System and visual quality objective would be met (EA pages 26-27). This project would be neutral to the creation and maintenance of late successional habitat and would not adversely affect Late Successional Reserves (EA pages 40-41, 68-72). This project would have a neutral effect on the Lake 22 and Perry Creek RNA (EA page 41-42) and would have no impact on sensitive and survey and manage moss and plant species, wetlands, and noxious weeds (EA pages 42-43). There would be no measurable effect on hydrology or water quality and a minor short term loss of soil productivity with a long term gain of soil productivity over time (EA pages 47-48). Riparian Reserve standards and guidelines would be met and there would be no measurable effect on the Riparian Reserve function and Aquatic Conservation Strategy Objectives (EA pages 49-51). There would be no effect to federally listed threatened or endangered fish species and critical habitats (EA pages 54-55). There would be no impact to sensitive and other special status fish species and no effect to essential fish habitats (EA pages 64-56). There would be no effect on grizzly bear (EA pages 68-72). This project may affect, but not likely to adversely affect the owl and murrelet due to potential noise disturbance during the breeding season (EA pages 68-76). The expansion of the Perry/Dickerman Trailhead may affect, but is not likely to adversely affect marbled murrelet or spotted owl critical habitat due to the removal of less than an acre of forest cover which would not result in the loss of the stand functions for critical habitat (EA pages 68-76). This will have no effect in Inventoried Roadless Areas, unroaded acres and wilderness (EA page 83).

Implementation of this decision would maintain a parking capacity at Lake 22 Trailhead, which is the amount that has been used in the past, and it would be safer parking since it would not be along the highway and visibility would be better (EA page 33). The parking capacity for the Perry Creek and

Dickerman Trails would be increased to provide for some future demand and it would be safer than parking along the Perry Creek Road (EA pages 30-33). This project would enhance the recreational experience along this portion of the Mountain Loop Scenic Byway (EA pages 30-34). My decision will not adversely affect public health or safety.

The Mountain Loop Trailhead Enhancement is not located in prime farmland or rangeland (EA page 83).

My decision will have no effects to known heritage resources or historic properties (EA pages 80-81) and it is in compliance with Section 106 of the National Historic Preservation Act under the terms of the 1997 Programmatic Agreement between the Advisory Council for Historic Preservation, the Washington State Historic Preservation Office, and the Forest Service. Mitigation measures included in my decision will fully meet requirements of 36 CFR 800 implementing the National Historic Preservation Act, if a previously unidentified heritage resource is discovered during project implementation (EA page 21).

Implementing this decision will not adversely affect the free-flowing conditions of the South Fork Stillaguamish River or the outstandingly-remarkable values for which the river was recommended for inclusion in the Wild and Scenic River System (EA pages 25-27).

The effects of the project are only somewhat controversial among a small segment of the local population (EA pages 85-87); however, the effects are well understood.

The possible effects on the human environment are not highly uncertain, nor do they involve unique or unknown risks. The effects disclosed throughout Chapter 3 of the EA are based on sound scientific research, as well as previous experience in the basin and on the Forest (EA Chapter 3, Environmental Consequences).

The action is unlikely to establish a precedent for future actions with significant effects or to represent a decision in principle about a future consideration. This action is not unusual and does not lead to further action that is unique.

The effects of my decision were analyzed in relation to other actions with individually insignificant effects. There are no significant cumulative effects between the Mountain Loop Trailhead Enhancement and other projects implemented or planned (EA pages 25, 27, 35, 43-44, 50, 58-61, 76-78).

My decision will not adversely affect properties listed in or eligible for listing in the National Register of Historic Places and will not cause loss or destruction of significant scientific, cultural, or historic resources (EA pages 80-81).

My decision is consistent with the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act. Consultation has been completed for listed and proposed fish, designated critical habitats and essential fish habitats. This decision would have no effect to Chinook, bull trout, steelhead, or on designated Chinook or bull trout critical habitats (EA pages 53-56).

Consultation with has been completed for federally-listed wildlife species (see Other Findings Required by Law or Regulation, below). My decision will have No Effect on listed species except for marbled murrelet, spotted owl and their Critical Habitat (EA pages 61-76). The effects determination for marbled murrelet, spotted owl and spotted owl and marble murrelet Critical Habitat is Not Likely to Adversely Affect (EA page 68-76).

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

## **Other Findings Required by Law or Regulation**

**National Environmental Policy Act (NEPA):** NEPA establishes the process and content requirements of environmental analysis and documentation for projects such as the Mountain Loop Scenic Byway Trailhead Enhancement EA. I find that the entire process of analysis and preparation of this EA was undertaken in accordance with the regulations outlined in 40 CFR Parts 1500-1508, FSM 1950 and FSH 1909.15. There were a number of opportunities for public involvement during the course of the analysis (EA page 10-11, 83-87 and **Public Involvement**, above). I used the comments received during scoping and in response to the Preliminary EA to make my decision.

**National Forest Management Act (NFMA):** I have reviewed the project and find my decision to be consistent with the goals, objectives, standards and guidelines of the Land and Resource Management Plan for the Mt. Baker-Snoqualmie National Forest (Forest Plan), as amended (see EA page 4 for major amendments). The action will not alter the multiple-use goals and objectives for long-term land and resource management.

My decision is consistent with applicable Riparian Reserve standards and guidelines (EA pages 49-50). Watershed analysis has been completed for this Tier 1 Key Watershed, The South Fork Upper Stillaguamish Watershed Analysis (Forest Service 1995) and the South Fork Lower Stillaguamish River/Canyon Creek Watershed Analysis (Forest Service 1996) have both been completed. (EA page 7). Relevant information and recommendations from the analysis were used in the design and assessment of this project. I find that my decision would contribute to or not prevent attainment of the Aquatic Conservation Objectives (as per USDA, USDI 2004).

My decision is consistent with current direction contained in the January 2001 Record of Decision that amended the standards and guidelines for Survey and Manage plant and animal species (including protection buffer species and other mitigation measures), as modified or amended as of March 21, 2004. The last modification was the December 2003 Interagency Annual Species Review. (This 2001 ROD was reinstated via U.S. District Court order on January 9, 2006.) Botanical surveys of the project area were completed to current protocol and there will be no impact to these species (EA pages 39-42, 64).

**Endangered Species Act and Magnuson-Stevens Fishery Conservation and Management Act:** My decision is consistent with the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act. My decision is consistent with the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act. Consultation has been completed

for listed fish, designated critical habitats and essential fish habitats. This decision would have no effect to Chinook, bull trout, steelhead, or on designated Chinook or bull trout critical habitats (EA pages 54-55).

Consultation with has been completed for federally-listed wildlife species (see Other Findings Required by Law or Regulation, below). My decision will have No Effect on listed species except for marbled murrelet, spotted owl and their Critical Habitat (EA pages 61-76). The effects determination for marbled murrelet, spotted owl and spotted owl and marble murrelet Critical Habitat is Not Likely to Adversely Affect (EA pages 68-76).

**National Historic Preservation Act:** My decision will have no effects to known heritage resources or historic properties (EA page 80-81) and it is in compliance with Section 106 of the National Historic Preservation Act under the terms of the 1997 Programmatic Agreement between the Advisory Council for Historic Preservation, the Washington State Historic Preservation Office, and the Forest Service. Mitigation measures included in my decision will fully meet requirements of 36 CFR 800 implementing the National Historic Preservation Act, if a previously unidentified heritage resource is discovered during project implementation (EA page 21).

**Clean Air Act:** My decision is consistent with the Clean Air Act. No burning is planned as part of this project and no impacts on air quality (EA page 82).

**Clean Water Act:** No portions of streams in the project area have been listed by the Washington State Department of Ecology as impaired for some aspect of water quality under the Clean Water Act (303(d)) (EA page 45). Implementation of my decision will incorporate conservation measures and Best Management Practices, described in the Mitigation Measures, Management Requirements, and Monitoring (EA pages 19-22) which will protect and maintain water quality conditions (EA pages 47-48).

**Invasive Species Management:** This decision is consistent with both Forest and Regional direction regarding invasive species management. The EA tiers to the Pacific Northwest Region Final Environmental Impact Statement for the Invasive Plan Program (2005) that amended the MBS Forest Plan. This project is intended to comply with the new management direction; prevention strategies and Best Management Practices to prevent noxious weed introduction and spread are incorporated into the mitigation measures (EA pages 10, 21, 40, 42).

**Roads Analysis:** FSM 7712.15 provides that decisions made after January 12, 2002, must be informed by a roads analysis unless the Responsible Official determines that such analysis is not needed. I have reviewed the roads analysis and potential environmental and access effects associated with this project (EA pages 10, 24-25) and have determined that I was sufficiently informed (Forest-wide Roads Analysis, Mt. Baker-Snoqualmie National Forest, 2003).

## **Appeal Rights, Implementation, Contact Person**

This decision is subject to appeal pursuant to Regulations at 36 CFR 215.7. Appeals must be fully consistent with 36 CFR 215.14, Appeal Content. The notice of appeal must be postmarked or delivered

within 45 days of the date legal notice of this decision is published in The Herald. The publication date of the legal notice in The Herald is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

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

Forest Supervisor, Appeal Deciding Officer  
ATTN: 1570 Appeals  
21905 64<sup>th</sup> Avenue West  
Mountlake Terrace, WA 98043;

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

FAX (425) 744-3255, email: [appeals-pacificnorthwest-mtbaker-snoqualmie@fs.fed.us](mailto:appeals-pacificnorthwest-mtbaker-snoqualmie@fs.fed.us)

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

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

For further information, contact:

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/s/ *Peter Forbes*

May 15, 2007

PETER FORBES  
District Ranger

Date