



File Code: 1950-NEPA

Date: October 10, 2012

**Subject:** Opportunity to comment on the preliminary Decision Memo for maintenance of Forest Road 6122 for recreation access to the Sultan River, as part of the Henry M. Jackson Hydroelectric Project

Dear Forest User,

This letter is a notice of the opportunity to comment on a preliminary Forest Service Decision Memo (DM) for implementing projects proposed by the Snohomish County Public Utility District No. 1 (PUD) that are associated with the recently approved license for the Henry M. Jackson Hydroelectric Project (Federal Energy Regulatory Commission (FERC) Project No. 2157; license issued on 9/2/2011). The proposed action being analyzed by the Forest Service includes the following:

1. Install two relief culverts above existing culverts within the prism of Forest Road 6122 at two deeply incised creek crossings: one 84-inch culvert at Mile Post (M.P.) 0.46 on PUD-owned land, and one 48-inch culvert at M.P. 0.71 on National Forest System (NFS) land. The finished grade of the road across the tops of the relief culverts would also be lowered and steepened, which would reduce the potential of erosion damage that could occur from a flood event.
2. Remove up to 6,100 cubic yards of excess road fill material from the two culvert crossing locations as described above, and pile the material in an existing clearing adjacent to the road at M.P. 0.66. The earthen fill material pile would be compacted, sloped and planted with native trees and shrubs for stability. The Forest Service would issue a 20-year special use permit to the PUD for the approximately 0.50-acre stockpile site.

The Forest Service is combining the scoping period with the notice and comment period into one 30-day public comment period on the Proposed Action, as provided by 36 CFR 215.5 regulations.

The Forest Service expects to document the decision in a Decision Memo using a Categorical Exclusion, under 36 CFR 220.6(e)(3): *approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land*. In light of a recent court ruling (Sequoia ForestKeeper v. Tidwell, 11-cv-00679-LJO-DLB (E.D. Cal.)), the Forest Service will provide public notice, comment, and opportunity for administrative appeal for projects and activities documented with a Decision Memo until new instructions are issued by the Washington Office, or the Agency issues regulations addressing the Court's ruling. Only those who provide comment or express interest in this proposal during the comment period will be eligible to appeal the decision pursuant to 36 CFR 215 regulations. The applicant will also have the option to appeal under separate 36 CFR part 251 appeal regulations.

**Background:** The Forest Service is one of several agencies and other stakeholders who signed a Settlement Agreement in August 2009, which agreed to implement many protection, mitigation and enhancement measures (PMEs) as conditions to relicense the PUD's Henry M. Jackson Hydroelectric Project. Included in the package of PMEs are recreation enhancement projects and programs as explained in PUD's Recreation Resources Management Plan (January 2011). The Federal Energy Regulatory Commission (FERC) prepared an Environmental Assessment (November 2010) that analyzed the effects of project operations and PMEs, then issued a License Order reauthorizing the hydroelectric project





(September 2, 2011). The FERC's License Order approved the various PME's as License Articles, and authorized the hydroelectric project facilities and operations for a 45-year term. The PUD facilitated extensive public, Tribal and other stakeholder participation during the five year relicensing process. Detailed information and reference documents relating to the new license for the Jackson Hydroelectric project may be viewed from the PUD's website: <http://www.snopud.com>, in the Power Supply section.

Recreation enhancements approved in the Settlement Agreement and FERC Order (with Forest Service concurrence) include (among other projects) flow releases from Culmback Dam for whitewater kayaking on the Sultan River, including the "Bypass Reach" through NFS land downstream of the dam. Providing safe access to a river put-in site was identified as an issue, and it was agreed by the Parties and approved by FERC to construct a Sultan River Canyon trail on NFS land for kayak portage and hiking for the general public. As FERC made a decision to construct the trail, the Forest Service (FS) and PUD are in the process of completing site-specific environmental analysis and design of the new trail to supplement the FERC EA and implement the License. Construction is expected to begin in 2013. The FS plans to issue a 20-year special use permit to PUD to build and maintain the trail.

The parties also agreed that Forest Road 6122 needed to be maintained to connect to the new Sultan River Canyon Trail, which would save on construction costs and avoid constructing additional trail through marbled murrelet habitat. It was decided that PUD would maintain Forest Road 6122, from the junction of the Culmback Dam road at M.P. 0.0 to the new trail's point of origin at approximately M.P. 1.0. The first one-mile segment would be maintained (to a FS high-clearance vehicle standard) for use as a non-motorized public trail for hiking, kayak portage, and mountain biking. Administrators of the PUD and FS, their contractors, and mineral claimants would continue to use motorized vehicles and equipment for projects. Road maintenance would include ditch cleanout, culvert cleanout, culvert replacement (if needed in the future), logging out, slide removal, brushing, blading, and adding spot rock aggregate as needed. Installing the two relief culverts above the existing deep-fill culverts at M.P. 0.46 and M.P. 0.71 will help storm-proof the road prism and prevent potential failures in these locations, ensure public access to the river to meet License requirements, and enable the PUD to meet State Forest Practice regulations. The FS plans to enter into a long-term road maintenance agreement with PUD to enable PUD to maintain the FS-owned road segment to the new trailhead.

As was decided in the FERC EA and License Order (with FS concurrence), the one-mile road segment is closed to motorized vehicles of the general public to protect water quality within the municipal watershed. The PUD installed a gate at the Culmback Road junction to enforce the vehicle closure. Of particular importance is that Road 6122 has been impassable to vehicles beyond M.P. 1.0 since October 2003, when a massive landslide destroyed 550 feet of the road prism. Other major washouts to the west of this landslide have also made the road impassable.

**Proposed Project Locations:** The proposed culvert installations, stockpile site, and Sultan River Canyon Trail are located approximately 8 air miles northeast of Sultan, Washington. The first culvert location is on PUD land in the W1/2 Section 29, T29N, R9E, W.M. The second culvert and stockpile site locations are on NFS land in the SE1/4 Section 30, T29N, R9E. The new Sultan River Canyon Trail will be located in portions of SE1/4 and SW1/4 Section 30, T29N, R9E. The project sites are accessible by car via the Sultan Basin Road north of Sultan, and Road 6122 by foot or mountain bicycle beyond the gate.

**Proposed Action, Purpose and Need:** The proposed action is to authorize the PUD to construct two relief culverts on Forest Road 6122, stockpile excess excavated material to be removed from the road prism at the two culvert crossings, and maintain approximately one mile of the road to the point of origin of the FERC-approved Sultan River Canyon Trail.



The purpose of this project is to issue the appropriate special use authorization instruments for occupancy and use of facilities on NFS land in a manner that is consistent with FS and FERC administrative and environmental regulations.

There is a need for the PUD and FS to meet their mutual obligations associated with the 2009 Settlement Agreement, 2011 Recreation Resources Management Plan, and 2011 FERC license for the Henry M. Jackson Hydroelectric Project.

Specifically, there is a need for:

- Using Road 6122 as part of a non-motorized public access trail route to the new Sultan River Canyon Trail, for portaging kayaks as well as general hiking
- PUD to meet State Forest Practices requirements regarding private road construction and maintenance to reduce the potential of catastrophic road failure and watershed damage that could occur from a flood event triggering a debris torrent
- Using Road 6122 for continued administrative access by PUD personnel, equipment and material to maintain the 1.0 mile road segment and Sultan River Canyon Trail
- Use of Road 6122 by mining claimants to access their claims, and for FS administration of the claims and special use permits
- A cost-effective location for storing excess earthen fill material from the culvert locations
- Use of the correct instruments to authorize the occupancy and use of National Forest System lands (FSM 2710.1), and for maintenance of a Forest System road by a third party

This Proposed Action falls within a category that excludes it from documentation in an environmental assessment or environmental impact statement, according to 36 CFR 200.6(e)(3): "Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land." The Forest Service does not expect any extraordinary circumstances that might cause this action to have a significant effect on the quality of the human environment. The Forest Supervisor is the Responsible Official for this decision.

**How to Comment and Timeframe:** Written, facsimile, hand-delivered, oral, and electronic comments concerning this action will be accepted for 30 calendar days following publication of this notice in the Everett Herald. If the scoping and comment time period expires on a Saturday, Sunday, or Federal holiday, comments are due by the end of the next Federal working day. The publication date in the newspaper of record is the exclusive means for calculating the comment period for this analysis. Those wishing to comment should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the length of the comment period. It is the responsibility of persons providing comments to submit them by the close of the comment period. Only those who provide comment or express interest in this proposal during this comment period will be eligible to appeal the decision pursuant to the 36 CFR part 215 regulations.

If you choose to comment, please submit or hand-deliver your written comments to Joseph Neal, District Ranger, Skykomish Ranger District, Mt. Baker-Snoqualmie National Forest, PO Box 305, Skykomish, WA, 98288. Comments may also be sent by fax to (360) 677-2450, or by e-mail to: [comments-pacificnorthwest-mtbaker-snoqualmie-skykomish@fs.fed.us](mailto:comments-pacificnorthwest-mtbaker-snoqualmie-skykomish@fs.fed.us). Electronic comments must be submitted in a readable format such as an e-mail message, plain text (.txt), rich text format (.rtf), Word (.doc), or portable document format (.pdf). In cases where no identifiable name is attached to a comment, a verification of identity will be required for appeal eligibility. If using an electronic message, a scanned signature is one such way. Office business hours for those submitting hand-delivered comments are 8:00 am to 4:30 pm, Monday through Friday, excluding holidays. Oral comments may be provided in person at the Skykomish office or Supervisor's Office (2730 Wetmore Avenue, Suite 3A, Everett) during normal business hours, or via telephone (360-677-2209).



Comments received in response to this letter, including names and addresses of those who comment, will be part of the Project Record and available for public review.

For additional information, please contact project leader Eric Ozog at (360) 691-4396, or [eozog@fs.fed.us](mailto:eozog@fs.fed.us).

We appreciate your continued interest in the management of the Mt. Baker-Snoqualmie National Forest.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph R. Neal". The signature is fluid and cursive, with the first name "Joseph" being the most prominent part.

JOSEPH R. NEAL  
District Ranger



**Forest Road 6122 Maintenance Projects – 2014-2015**  
**for Henry M. Jackson Hydroelectric Project**  
**Snohomish County Public Utility District**  
**In cooperation with USDA Forest Service**



Scale: 2 inches = 1 mile

