

**ALPINE LAKES PROTECTION SOCIETY ♦ AMERICAN RIVERS ♦  
AMERICAN WHITEWATER ♦ CONSERVATION NORTHWEST ♦  
EL SENDERO – BACKCOUNTRY SKI AND SNOWSHOE CLUB ♦  
FRIENDS OF HEYBROOK RIDGE ♦ FRIENDS OF WILD SKY ♦  
SIERRA CLUB – WASHINGTON STATE CHAPTER ♦ THE MOUNTAINEERS ♦  
NORTH CASCADES CONSERVATION COUNCIL ♦ PILCHUCK AUDUBON SOCIETY ♦  
THE WILDERNES SOCIETY ♦ WASHINGTON TRAILS ASSOCIATION ♦  
WASHINGTON WILD**

August 6, 2012

Tasha Lo Porto, Geothermal Team Leader  
Mt. Baker Snoqualmie National Forest  
2930 Wetmore Avenue, Suite 3A  
Everett, WA 98201  
*Submitted electronically to: tloporto@fs.fed.us*

**Re: Skykomish Geothermal Consent to Lease Scoping Comments**

Dear Ms. Lo Porto,

On behalf of the 14 undersigned organizations and the tens of thousands of forest users, Washington residents and federal taxpayers which they represent, we are submitting written comments on the Skykomish Geothermal Consent to Lease Scoping period.

For many of our organizations, geothermal development and the Consent to Lease process is new to us. We greatly appreciate the Skykomish Ranger District and Mount Baker Snoqualmie National Forest's (Forest) willingness to extend the initial 30-day comment period to 60 days per our request. This time has allowed us to familiarize ourselves with the Consent to Lease process and, more generally, geothermal development. We are also very appreciative of the Forest's willingness to be available to answer questions about the project as part of a field tour on July 23. We appreciate the fact that a number of staff assigned to this project have relevant experience in geothermal development on other national forests around the country.

Our organizations support efforts to responsibly develop renewable energy resources as an alternative toward continued heavy reliance on non-renewable fossil fuels. Such endeavors are one of many potential solutions to the increasing problem of climate change. We recognize that geothermal energy has important potential benefits in this regard as its development is now being pioneered here in Washington State.

However, we also feel strongly that renewable energy development is not appropriate everywhere, or at any cost. For example, areas that boast some of the last best wildlife habitat and connectivity or wild intact ancient forests are not compatible with geothermal development or even certain levels of exploratory drilling. In addition, landscapes where significant resources have been invested to restore watersheds for healthy fish populations and clean and safe drinking water significantly bias a cost/benefit analysis against development.

**I. The Agency should recognize that the proposed leasing is in heart of a beloved area – Wild Sky**

The 12,000 acres under consideration for leasing under this process lie at the heart of what has affectionately been called “Wild Sky Country.” Over the last decade, no area has received more diverse and local support for permanent protection of old growth and mature forests, preservation of world class recreational opportunities, and river and watershed restoration.

A decade-long citizen campaign ultimately led to designation of 106,000 acres of wild forest land as the Wild Sky Wilderness in 2008. An unprecedented 750 elected officials, local businesses, conservation and recreation groups, local stakeholders and faith leaders endorsed the proposal, which represented the first new national forest wilderness designation in Washington State in 24 years.

In 2008, after the forested watershed above the scenic town of Index was threatened with logging, the tiny town of 100 raised more than \$1.2 million to establish a Snohomish County Park – Heybrook Ridge.

In recent years, mountain bikers, equestrians, hikers and other recreationists have worked together to support new sustainable recreational opportunities in the state-owned Reiter Forest and in and around the recently designated Wild Sky Wilderness.

Conservation and recreation groups have also teamed up with state and federal agencies to advocate for funding to restore ailing watersheds by decommissioning old and abandoned legacy roads as they work to “right size” their road system by 2015. Both the Harlan Creek and South Fork Skykomish basins have been restoration targets.

**II. The Agency should not assume geothermal potential for nominated lands**

In reviewing the map of nominated lands by companies submitted to the Bureau of Land Management in 2011, it seems clear that there was little analysis put in to the viability or potential of these lands to produce economically viable geothermal energy. Rather, it appears that the attempt was focused more on including the maximum amount of lands on the Forest in the nomination (excluding private inholdings and designated Wilderness). There is an obvious lack of targeting based on potential of a viable geothermal resource by at least one of the nominating entities. We feel strongly that as the Forest makes their determinations to deny certain areas for leasing and put stipulations on others as part of this process, that there not be an assumption of geothermal potential.

Furthermore, we are aware that Snohomish Public Utilities District (SnoPUD) has spent considerable time, effort and funds on exploratory drilling for viable geothermal resources on the privately owned Garland Mineral Springs over the past two years. We also know, from meeting with SnoPUD in the past, that their data has identified the Garland Mineral Springs as by far the most promising area to find the required heat at depth for potential geothermal resources. To our knowledge, none of the nominated lands exhibit the relatively promising attributes as the Garland Mineral Springs, and the vast majority of the 12,000 acres are miles away from that resource.

### **III. Directional drilling underneath the Wild Sky Wilderness should specifically be prohibited in the Record of Decision**

It is clear that the Wild Sky Wilderness is withdrawn from leasing, as indicated in the maps accompanying the scoping letter. However, we would like to make clear that in addition to the surface estate of the designated wilderness being exempted from any leasing, so should any access to subsurface lands underneath the designated Wild Sky Wilderness. Unlike a No Surface Occupancy stipulation, which would allow directional drilling under such an area from an adjacent leased parcel, directional drilling or any access to the subsurface of the designated Wild Sky Wilderness should be clearly prohibited in the Environmental Assessment, the subsequent Record of Decision and within any leasing documents that might follow.

### **IV. The Agency should stipulate that only existing open roads shall be used**

Because of the many efforts that the Forest Service has made in recent decades to close and rehabilitate unneeded or harmful roads in the North Fork Skykomish and Beckler River watersheds, no further roads should be created, nor should closed roads be reopened, for the purposes of exploratory drilling. The ability to directionally drill makes it further unnecessary to build new roads to emplace drilling equipment. Please stipulate that all access for drilling shall take place using existing open roads, and that drill pads shall be immediately adjacent to existing roads. To further reduce environmental impacts, drill pads should use portions of existing road prisms whenever feasible.

### **V. The Agency should deny or include stipulations for nominated lands using all existing relevant guidance**

The focus of the current NEPA process is for the Forest Service to review the nominated lands provided by BLM officials and provide or deny a consent to lease with or without stipulations. We feel that despite being the initial stage, this process is extremely important. It is the only stage that has a specific focus on whether such lands are appropriate for exploratory drilling and what stipulations are necessary to protect the decades of investment the Forest has made in protecting our fish, wildlife, watersheds and recreational opportunities. Later stages in this process, including exploratory drilling or facility development, assume the activity in question and focus more on the mitigation or consequences of those actions.

Fortunately, there are several sources of guidance from both the Forest Service and the BLM that lay out stipulations for lands with various attributes. Often a stipulation of “no surface occupancy” is discussed which, in many cases, would be a prudent choice. However, in such cases, we encourage the Forest Service to give significant consideration to simply denying a lease for specific areas as well. As we discussed earlier, there is no evidence for an assumption of a potentially viable geothermal resource under the nominated lands.

We urge the Forest Service to consider and implement all of these stipulations (which in many cases may merit a denial for Consent to Lease for a specific area) as they draft the environmental assessment. There are at least three common types of lease stipulations that may apply to the nominated lands. They include:

- **No Surface Occupancy (NSO) Lease Stipulation** – This stipulation prohibits any surface development and requires the lessee to develop any necessary surface infrastructure for

exploratory drilling outside of the NSO area and use advanced technology, such as directional drilling, to access any geothermal resource under the NSO area.

- **Timing Limitation (TL) Stipulation** – This lease stipulation can be used where standard lease terms and permit level decisions are deemed insufficient to protect sensitive resources and a no surface occupancy stipulation is deemed unnecessary. It is important to note that a TL stipulation is not a substitute for a NSO stipulation. In general, timing limitations are used to protect specific resources that are sensitive to disturbance during certain periods or seasons. They are commonly applied to wildlife activities and habitats and could be used to reduce impacts to recreational opportunities.
- **Controlled Surface Use (CSU) Stipulation** – This lease stipulation can be used to require any future activity or surface development be mitigated to protect a specific resource. The project applicant would be required to submit a plan to meet the resource management objectives through special design, construction, operation, mitigation, reclamation, or relocation. In general, CSU stipulations are used to protect specific resources on landscapes that are not deemed to merit a NSO stipulation. It is important to note that a CSU stipulation is not a substitute for a NSO stipulation.

#### A. No Surface Occupancy Lease Stipulations

- **Riparian Area Stipulation** – A significant portion of the nominated lands fall within the Riparian Reserves as mapped in Figure 1 and Figure 2 in the scoping notice. These areas have been recognized for their critical importance to fish, wildlife and the overall ecosystem functions of the larger watershed in the Northwest Forest Plan. In order to be consistent with the Northwest Forest Plan Standards and Guidelines for Riparian Reserves, the Final Programmatic Environmental Impact Statement for Geothermal Leasing in the Western US (PEIS 2008) developed by the Bureau of Land Management indicates that such areas should contain a No Surface Occupancy lease stipulation.

Additionally, the Record of Decision for Mt. Baker-Snoqualmie National Forest Geothermal Leases (ROD 2010) even more clearly demonstrates this point:

*“Portions of the leasing area within riparian reserves should carry the following stipulations: For class 1 and 2 streams, no surface occupancy within 300 feet slope distance (300 feet total, including both sides of the stream channel). For class 3 streams, no surface occupancy within 150 feet slope distance (600 feet total, including both sides of the stream channel). For class 4 streams, no surface occupancy within 100 feet slope distance (200 feet total, including both sides of the stream channel). Within riparian reserves of all leases, no surface occupancy shall be permitted.”<sup>1</sup>*

- **Late Successional Reserve Stipulation** – A significant area of the nominated lands fall within the Late Successional Reserves which have been mapped on the forest subsequent to the Northwest Forest Plan. These areas have been specifically identified as providing necessary old growth habitat for endangered northern spotted owls and marbled murrelets. LSRs should carry a no surface occupancy lease stipulation to be consistent with the Northwest Forest Plan. In some cases relating to timber harvest, national forests have allowed restoration thinning in LSRs with a stand age less than 80 with the goal of achieving expedited old growth characteristics and thereby achieving the overall goal of LSRs. We want to be clear that no such subdivision of LSRs by stand age makes any sense with respect to geothermal leasing.

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<sup>1</sup> Record of Decision for Mt. Baker-Snoqualmie National Forest Geothermal Leases (ROD 2010), pg. 3.

Unlike restoration thinning, there is no argument that can be made that leasing will further the goals of the LSR. Therefore, all nominated lands designated as LSR should be denied a lease or receive a NSO lease stipulation.

Furthermore, 2010 ROD makes it clear that in the Mt. Baker District designated LSRs would carry an NSO lease stipulation:

*“All lease areas are within the Baker Late Successional Reserve that is managed to recover populations of northern spotted owls and marbled murrelets. Surface occupancy would result in the destruction of critical habitat for both species. Therefore within old-growth forests of all lease areas, no surface occupancy will be permitted.”<sup>2</sup>*

- **Designated or Proposed Critical Habitat** – Any of the nominated lands that fall within designated or proposed critical habitat for federally listed species would not be compatible with leasing and should either deny consent to lease or apply a NSO stipulation. Existing or potential habitat for listed species that do not have critical habitat identified, and sites occupied by federally listed species including candidates, classified by the Forest Service as “Survey and Manage” and/or “Sensitive,” or classified by Washington State as “Species of Concern” should also be considered for a NSO lease stipulation. The Programmatic EIS (PEIS 2008) lists the following areas as meriting a NSO lease stipulation:

*“Designated or proposed critical habitat for listed species under the Endangered Species Act of 1973 (as amended) if it would adversely modify the habitat. For listed or proposed species without designated habitat, NSO would be implemented to the extent necessary to avoid jeopardy.”<sup>3</sup>*

Furthermore, the 2010 ROD makes it clear that in the Mt Baker District designated critical habitat shall carry an NSO lease stipulation:

*“All lease areas are also designated critical habitat for both species and contain the primary constituent elements of critical habitat for nesting. Surface occupancy would result in the destruction of critical habitat for both species. Therefore within old-growth forests of all lease areas, no surface occupancy will be permitted.”<sup>4</sup>*

- **Designated or Eligible Wild and Scenic Rivers** – There are a number of rivers within the nominated lands that are listed as eligible under the Wild and Scenic Rivers Act by the Mount Baker Snoqualmie National Forest in their 1990 Forest Land and Resource Management Plan. Eligible rivers include the North Fork Skykomish, Beckler, Rapid Rivers and Troublesome and West Cady Creeks. The North Fork Skykomish and Troublesome and West Cady Creeks were additionally found suitable (or recommended) under the 1990 Plan. The programmatic EIS developed by the BLM clearly indicates that rivers found eligible by the agency (in addition to those found suitable or designated by Congress) should be applied a No Surface Occupancy lease stipulation within a .25 mile corridor on either side of the relevant river sections.

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<sup>2</sup> Record of Decision for Mt. Baker-Snoqualmie National Forest Geothermal Leases (ROD 2010), pg. 4.

<sup>3</sup> Final Programmatic Environmental Impact Statement for Geothermal Leasing in the Western US (PEIS 2008). Pg. 2-17.

<sup>4</sup> PEIS, pg. 4.

*“Segments of rivers determined to be potentially eligible for Wild and Scenic Rivers (WSR) status by virtue of a WSR inventory, including a corridor of 0.25 miles from the high water mark on either side of the bank.”<sup>5</sup>*

- **Steep Slope Stipulation** – Both the North Fork Skykomish and Beckler River Valleys are characterized by vertical and steep slopes, in part explaining their scenic and recreational appeal. As a result, there are limited areas that have slopes less than 30% within the nominated lands. At issue is that in order to clear and prepare a 1-2 acre drill pad for exploratory drilling on slopes greater than 20%, significant economic and ecological costs are required. To that end, the programmatic EIS (2008) developed by the BLM calls for a No Surface Occupancy lease stipulation for slopes in excess of 40%. Our understanding is that lease sites with slopes above 20% are rarely economically viable for industry. MBS 2010 Record of Decision also applies an NSO stipulation with additional stipulations for slopes between 30% and 40%.

*“On slopes in excess of 40 percent and/or highly erodible soils, no surface occupancy will be permitted. For operating plans on slopes between 30 and 40 percent, the lease holder would be required to develop a plan of additional design, construction, operation, mitigation, and reclamation measures . . . unless the plan is approved, no surface occupancy would be permitted.”<sup>6</sup>*

- **National Historic Sites** – To the extent that there are any properties that are designated or found eligible for the National Register of Historic Places, these areas should be applied a NSO stipulation or denied a lease. The 2008 PEIS lists such areas as grounds for a NSO stipulation:

*“Within the boundary of the properties designated or eligible for the National Register of Historic Places, including National Landmarks and National Register districts and Sites; and additional lands outside the designated boundaries to the extent necessary to protect values where the setting and integrity is critical to their designation or eligibility.”<sup>7</sup>*

- **Important Cultural & Archeological Sites** – To the extent that there are cultural sites within the nominated lands (including sacred sites or hunting and gathering areas for Tribes), these areas should be applied a NSO stipulation to protect these resources. We expect that the agency will engage in a separate consultation with the Tulalip and other relevant Tribes on this project to identify any such areas. The 2008 PEIS lists such areas as grounds for a NSO stipulation:

*“Areas with important cultural or archeological resources, such as traditional cultural properties and Native American sacred sites, as identified through consultation.”<sup>8</sup>*

- **Viewsheds** – Any areas that have been allocated or identified in the 1990 MBS Forest Management Plan to a management area or land use allocation focused on protecting a view shed or scenic resources (including Scenic Viewshed Foreground) should be applied a NSO stipulation to protect these resources. The 2008 PEIS lists such areas as grounds for a NSO stipulation:

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<sup>5</sup> Final Programmatic Environmental Impact Statement for Geothermal Leasing in the Western US (PEIS 2008). Pg. 2-17.

<sup>6</sup> Record of Decision for Mt. Baker-Snoqualmie National Forest Geothermal Leases (ROD 2010), pg. 6.

<sup>7</sup> Final Programmatic Environmental Impact Statement for Geothermal Leasing in the Western US (PEIS 2008). Pg. 2-17.

<sup>8</sup> PEIS 2008, pg. 2-17.

*“Designated important viewsheds, including (1) public lands designated as VRM Class 1 and; (2) NFS lands with a Scenery Management System integrity level of Very High.”<sup>9</sup>*

## B. Timing Limitation & Controlled Use Stipulation

- **Protection of Recreational Areas** – The area in which the nominated lands occur are important for a variety of recreational uses throughout the year. Recreational use includes hiking, camping, backpacking, rafting, kayaking, climbing, horseback riding, cross country skiing, snowshoeing, mushroom and berry picking, and other activities.

A variety of popular trailheads and campgrounds in the area are accessed by two main roads, Forest Road 63 (along the North Fork Skykomish River) and 65 (along the Beckler River), including the Blanca Lake Trail, West Cady Ridge Trail, Quartz Creek Trail, Evergreen Mountain Trail, Johnson Ridge/Scorpion Mountain Trail, and Troublesome Creek and San Juan Campgrounds. A combination of timing limitation or controlled surface use stipulations should be considered for any nominated lands that are consented to lease to ensure that the quality and character of recreational opportunities in the area are unaffected. The 2008 PEIS identifies such stipulations for the protection of recreational use:

*“Protection of Recreational Areas - This stipulation would be applied to minimize the potential for adverse impacts to recreational values, both motorized and non-motorized, and the natural settings associated with the recreational activity.”<sup>10</sup>*

- **Protection of Important Habitat and Migration Corridors** – This stipulation would be applied to protect the continuity of wildlife migration corridors and nesting, foraging or other identified wildlife habitat. The 2010 ROD applies a Timing Limitation Stipulation to exploratory drilling leases to protect northern spotted owl and Marbled Murrelet habitat:

*“No surface use within 65 yards of old-growth forest is allowed during the time period from March 1 to August 5 for the purpose of avoiding the disturbance of nesting northern spotted owls and marbled murrelets. In addition, no surface use within 65 yards of old-growth forest is allowed within two hours of sunrise and sunset during the time period from August 6 to September 15 for the purpose of avoiding the disturbance of nesting marbled murrelets.”<sup>11</sup>*

In addition, to meet existing federal obligations for recovery of the grizzly bear, the Forest Service must stipulate that to maintain core security habitat, any construction of new access roads, including the reopening of closed roads, must be offset by the closure of other roads within the same Bear Management Unit.

In closing, we appreciate the opportunity to give substantive scoping comments during the Consent to Lease process. We hope that these comments both highlight the interest and investment in this area by a wide variety of organizations and help the agency to fully consider these incredible resources during this process. We look forward to receiving the draft Environmental Assessment and providing additional comments at that time. We urge the agency to consider a minimum of a 60-day comment period for the draft EA, as we found that extra time to be very important to provide these comments.

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<sup>9</sup> PEIS 2008, pg. 2-18.

<sup>10</sup> Final Programmatic Environmental Impact Statement for Geothermal Leasing in the Western US (PEIS 2008). Pg. 2-17.

<sup>11</sup> Record of Decision for Mt. Baker-Snoqualmie National Forest Geothermal Leases (ROD 2010), pg. 4.

Feel free to contact Tom Uniack, Conservation Director for Washington Wild directly, or on behalf of the undersigned organizations, at 206-633-1992 or [tom@wawild.org](mailto:tom@wawild.org).

Sincerely,

Tom Uniack  
Conservation Director  
Washington Wild

Jonathan Guzzo  
Advocacy Director  
Washington Trails Association

Thomas O'Keefe  
Pacific Northwest Stewardship Director  
American Whitewater

Karl Forsgaard  
President  
North Cascades Conservation Council

Sarah Krueger  
Public Lands Programs Manager  
The Mountaineers

Gus Bekker  
President  
El Sendero - Backcountry Ski & Snowshoe Club

Dave Werntz  
Science and Conservation Director  
Conservation Northwest

Kathleen Snyder  
President  
Pilchuck Audubon Society

Rick McGuire  
President  
Alpine Lakes Protection Society

Mike Town  
President  
Friends of Wild Sky

Mark Lawler  
National Forests Committee Chair  
Sierra Club – Washington State Chapter

Darcy Nonemacher  
Assoc. Director, WA Conservation Programs  
American Rivers

Kitty Craig  
Regional Conservation Representative  
The Wilderness Society

Susan Chatlos-Susor  
President  
Friends of Heybrook Ridge