

**DECISION NOTICE**  
**And**  
**FINDING OF NO SIGNIFICANT IMPACT**

**Illabot Road Project**

Mt. Baker Ranger District  
Mount Baker – Snoqualmie National Forest  
Skagit County, Washington

**DECISION**

Based upon my review of the Environmental Assessment (EA), specialist reports, and applicable Forest Plan direction, public input, and Tribal consultation, **it is my decision to implement the proposed action (Alternative P)**. This alternative will:

- Decommission 16.07 miles of the Illabot Creek Road (Road 16) from mile post 9.5 (its junction with Road 1620) to 25.57 (road terminus). Spur roads 1600.013 and 1600.019 will also be decommissioned. Road decommissioning will consist of culvert removal and replacement with rocked rolling dips. Road fill slope will be stabilized by removing sidecast material and recontouring the road prism. Excess side cast material and concrete from vented fords will be stored on the road bed or hauled to designated locations on spur roads or the rock pit on road 1620.012. Stored fill would be compacted and shaped to allow drainage.
- Remove the steel bridge crossing Otter Creek for use elsewhere. Create an overflow channel on the north side of the Illabot Creek Bridge by removing road fill approach.
- Replace and add culverts to Road 16 between MP 8 (National Forest boundary) and 9.5 (its junction with Road 1620), Road 1620 between mile posts 0 and 3.0 (junction with Road 1620.012), and 1620.012 between mile post 0 and the rock quarry.
- Abandon the Slide Lake trail and trailhead and removed from the Trail System Inventory the Slide Lake, Jordan, Marten, and Falls Lakes trails.

My decision also includes implementing the following project design features and mitigation measures:

- If a previously unidentified cultural or historic resource, Indian human remains, or specified cultural items identified in the Native American Graves Protection and Repatriation Act is discovered during implementation, the project shall be stopped in the area of the find, and the Forest Heritage Specialist shall be notified.
- All excess road fill will be stored at locations shown on alternative maps.

- All gravel used for construction and road surfacing will be obtained from the rock quarry on road 1612.012.
- Best Management Practices for all Road building site construction practices, including upgrading, decommissioning and road maintenance will be used from the following sources (FP-03) - Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects and (FSSS) - Forest Service Supplemental Specifications to FP-03.
- To prevent the introduction of new invasive plants and the spread of existing infestations:
  - All heavy equipment that will operate outside the limits of the road prisms must be cleaned prior to entering National Forest system lands.
  - Only State certified weed-free straw or mulch will be used
  - Use only gravel, fill, sand, and rock this is judged to be weed free by District or Forest weed specialists.
  - When pulling in vegetation from the road shoulders no seeding or other revegetation is necessary. Do not pull in vegetation from the road shoulder in those areas with documented noxious weeds.
  - All equipment and gear will be cleaned before leaving areas known to have noxious weeds.
- Because decommissioning of the road would seriously hamper efforts to treat and monitor the invasive plant infestations, treatment of the weeds will be a part of the road contract, unless they are successfully treated beforehand. The weed infestations will be treated as follows:
  - Orange and meadow hawkweed – spray with a Forest-approved herbicide
  - Butterfly bush – cut all stems and apply Forest-approved herbicide to the stumps
  - Herb robert – hand pull, place plants in bags and seal carefully. Remove to a landfill.
- The decommissioned roads will be monitored annually for 3 years to check on noxious weeds and native plant regeneration. Treatment will continue annually, if funds are adequate, until the weeds are eradicated. If the noxious weeds appear to be eradicated 3 years post-treatment, monitoring will decrease to once every 3 years. Native plant regeneration and growth will be documented along with the noxious weeds. If native plant regeneration is not adequate after 5 years, a new restoration plan will be prepared and implemented.

The rationale for my decision is presented on pages 3-6 of this Decision Notice. My decision takes into consideration the manner in which the project purpose and need would be met by the proposed action and alternatives to the proposed action.

## **ALTERNATIVES CONSIDERED**

Four other alternatives (N, R, U, and M) were considered in detail. I did not select Alternative N (No Action) because it did not address the needs to reduce road maintenance costs or reduce risks to high-quality fish habitat. Although Alternative R (reduced road system) did reduce road maintenance costs, I did not select it because this alternative had similar impacts to recreation as the proposed action and still retained a portion of the road on the most unstable soils and drainages that would pose a high risk of adversely affecting high-quality fish habitat.

I did not select Alternatives U or M, because neither addressed the need to reduce road maintenance costs. In addition, even with the expensive upgrades to the road, with both of these alternatives, there was still a reasonable likelihood that vehicle access would be lost due to a major road failure that could not be repaired or was too expensive to repair.

## **REASONS FOR THE DECISION**

I have decided to implement the proposed action because I believe that it best meets the purpose and need identified in the EA (p. 4) The decision to close the road is a balance of the risk to aquatic resources, recreation use and tribal treaty rights access and overall road system management costs. In making my decision, I also considered responsiveness of the proposed action to other applicable laws, regulations, and policies (DN pp. 6-8).

In responses to the scoping effort and the 30-day review of the EA (Appendix B), most respondents wanted the road left open and cited a variety of reasons including:

1. the short easy day hike to Slide Lake providing opportunity for children, elderly and less physically able individuals;
2. The unique concentration of high lakes in the Glacier Peak Wilderness best accessed from this road;
3. The relative easy access to areas of solitude afforded by the less used nature of the area.

Several tribes also requested the road be upgraded and left open because of the easy access provided to traditional resources and areas important to their treaty rights. Many commenters also noted that the road has remained intact for many years and did not understand why The Forest Service would close a road in such good condition providing such valuable recreation access.

A few commenters suggested the agency should pursue additional funding to keep the road, including active timber harvest in the area to help pay for the road. However, the area accessed by the proposed road closure lies entirely within Late Successional Reserves (LSR) which is to be managed for maintenance and development of old growth forest habitats (EA pages 3 and 5). As a result of this land management allocation timber harvest is limited to forest stands less than 80 years old of which there are only 1,630 acres that would be accessed by roads that would be decommissioned. Because timber harvest in these stands must be for the benefit of old growth habitats, they would be

limited to thinning and would generate relatively low timber volume per acre providing little revenue for road upgrades. More importantly, the Forest has completed a LSR Assessment of all the individual LSR areas on the Mount Baker-Snoqualmie National Forest, evaluating them by old growth habitat condition, and the Illabot LSR is considered to be “functioning as intended”. As such, most other LSRs are a higher priority for treatment / habitat improvement (EA page 40) and it is unlikely that treatment will ever be applied to the Illabot LSR as a result of its low priority. Because of these factors, revenue generated by timber harvest is not a viable alternative to address the inadequacy of road maintenance funding (EA page 20)

Road maintenance funds currently are far short of what is needed to maintain the road system on the Mt. Baker District (EA pages 51-52). This has been the case for over a decade and the prospects of any substantial increase in the near future appear very unlikely. Funding for road upgrades and decommissioning typically come from sources outside of the Forest Service such as grants and partners. Such funds have been used to upgrade high use roads and many of the roads that have already been decommissioned, but are not typically available to perform routine road maintenance.

Some commenters suggested reducing the road to a high clearance, level II road (EA page 19). This would likely reduce the cost of road maintenance in the long term. However, road maintenance funds in the last decade have been such that little or no funds have been available for level II road maintenance (Appendix B, page4). Given the setting of this particular road, such maintenance would very likely result in adverse impacts to streams and water quality and likely loss of the road itself at one or more of the less stable areas or stream crossings (EA page 19).

I was concerned that upgrades to the road in Alternatives U and M are significantly higher than the cost of decommissioning (EA table 12, page 53). Upgrade costs were based on what it would take to provide a relatively stable road. Conditions in some areas preclude eliminating all risk (EA pages 66-67), and while road failure risk would be reduced with these alternatives, good road maintenance would still be key to prevent road failure and the negative impacts to water quality that would likely result from a road failure. As such road maintenance costs would remain relatively high (EA pages 51 and 52).

Keeping road maintenance up to date is critical in western Washington, particularly in the high precipitation, steep terrain, and complex geology found on the Mount Baker Snoqualmie National Forest. Inadequate maintenance leads to road damage, damage to adjacent lands, damage to valuable aquatic systems, degradation of water quality and unsafe conditions for users of the road. Attempting to retain a road system that cannot be adequately maintained has contributed to road failures that have restricted recreational and tribal access in many locations, sometimes for many years until the road can be repaired.

In order to meet land management obligations it is essential to reduce the current road system mileage to better align road maintenance needs with expected budgets. High use

roads and roads that meet legal obligations for private land and mining are the top priority for retaining. Currently the Canyon Creek Road (Road 31) has been closed for more than one year with no funding source to repair it. This road accesses one trailhead that serves four trails and several dispersed recreation sites, including two high elevation lakes used for fishing. In addition this road is one of four snowmobile use areas on the District and according to Border Patrol, is important in the execution of their duties.

Many low use roads have been closed and many more will be closed as funding can be found to properly decommission them. Long roads, with higher than average costs and moderate to low use are a priority for closing and decommission. The Illabot road meets these criteria (EA pages 21-22, and 24-26), and compared to other roads, such as Canyon Creek, and the impacts of removing this road from the road system has fewer impacts than other options. Keeping higher than average cost roads, only will result in having to close even more roads someplace else, resulting in even less overall access to the National Forest for the public and Tribes. I do not feel that it would be a responsible decision to provide fewer services in the future road system by attempting to retain the Illabot Road knowing that other roads with greater benefit would need to be closed as a result.

I regret that my decision will have negative impacts on the enjoyment of a portion of National Forest System Lands. Closing portions of the Illabot road will reduce access to Slide Lake and the other high lakes in the area. For most users it will essentially eliminate access (EA pages 47-49). For a few it will create a more remote and isolated use experience (EA pages 48). In addition, impacts to the designated wilderness will likely be reduced at a few locations (EA page 48).

Access for exercising tribal treaty rights will also be reduced, particularly for tribal elders and those less able to go into the steep dissected terrain (EA pages 75-76). Some rights will be enhanced by the closure, such as fisheries habitat and associated fish production (EA pages 54-56), and cultural practices where solitude is important (EA page 75). In spite of this, I recognize that overall the tribes want to see the road left open – that on balance an open road best meets tribal interests. While tribal access is reduced by closing the road, the capability of the land to provide the resources necessary for those rights still exist in full and in most cases are enhanced.

My decision also retains high quality fish habitat. Illabot Creek is a valuable fisheries resource and includes habitat for threatened bull trout, steelhead and Chinook in portions of the system (EA page 41-42). The system is in relatively good condition, though there have been some human caused impacts (EA page 42 -44). Overall recovery strategies for fish species have as their top priority to protect and maintain high quality habitat – “first protect the best” (ROD p. B-9). The risk of road failure is very high for a road with old culverts, undersized culverts, unstable soil pockets, numerous cross drainages and steep terrain (EA page 64). Upgrading the road can greatly reduce the risk, but there is still risk, particularly with multiple drainage crossings, soil instability and steep terrain (EA pages 66-67). Decommissioning the road removes a long term threat to water quality and fish habitat in Illabot Creek.

My decision to close the road is a balance of the risk to aquatic resources, recreation use and tribal treaty rights and overall road system management costs. While tribes and a segment of the public who use the area will have access reduced or eliminated, I find that the long term protection of streams and water quality in the area and the reduction of the road system and associated costs will provide more consistent road access for Tribes and recreationists, which outweigh the access impacts.

### **PUBLIC INVOLVEMENT AND TRIBAL CONSULTATION**

Seven interested and/or potentially affected American Indian Tribes were contacted during the process and three Tribes responded to the proposal (EA page 7). A scoping letter that summarized the proposal and invited comments/input on issues and mitigation measures was sent to 24 organizations, agencies, and individuals in August 2010. A total of 103 responses were received during the scoping process that were used to define the scope and intensity of the analysis (EA pages 7-8)

The EA was made available for a 30-day public review on September 30, 2011 (EA pages 7-8) and 54 comments were received. These comments resulted in minor edits and clarifications to portions of the EA and a new Appendix B to the EA where the comments are addressed.

### **FINDING OF NO SIGNIFICANT IMPACT**

I have evaluated the effects of this action as described in the EA (pp. 46-76) relative to the definition of significance established by the Council of Environmental Quality (CEQ) Regulations in 40 CFR 1508.27. Based on the EA and the CEQ regulations, I have determined that the proposed action will not significantly affect the quality of the human environment. For this reason, an environmental impact statement will not be prepared. This determination was made considering the following factors:

- (1) The intensity (severity) of the negative impacts of implementing the proposed action is less than alternatives to the proposed action, including the no action.
- (2) My decision will free up limited road maintenance funding for use on the remaining road system, maintain high quality fisheries habitat and water quality, but will have moderate negative impacts to Tribal members and recreationists that favor easy access.
- (3) My decision will not adversely affect unique characteristics of the geographic area such as historical or cultural resources, wetlands, wild and scenic rivers, or ecologically critical areas (EA p. 46-76). The action 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 (EA p. 75-76).

- (4) The effects of the action on the quality of the human environment are not controversial and the effects are well understood (EA pp. 46-76).
- (5) The possible effects on the human environment do not involve any highly uncertain, unique, or unknown risks. The effects on wildlife habitat and aquatic system components are disclosed in the EA (pp. 54-56, 71-73) and are based on sound scientific research, as well as previous experience in the basin and on the Forest.
- (6) 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.
- (7) The effects of the action were evaluated in relation to other actions with individually insignificant effects (EA pp 46-76).
- (8) My decision will not adversely affect districts, sites, highways, structures, or objects 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 pp. 75-76).
- (9) Enangered Species Act consultations have been completed for federally listed fish (fisheries specialist report p. 19) and wildlife species (EA pp. 71-72 and Wildlife Specialist Report). The proposed action “may affect but would not adversely affect” Puget Sound Chinook salmon, Puget Sound steelhead and bull trout. The project “may affect but would not adversely affect” critical habitat for Puget Sound Chinook salmon and bull trout. The proposed action could result in adverse noise effects to northern spotted owl and marbled murrelet on 170 acres. The proposed action would have no effect on grey wolf and have a long-term beneficial effect to grizzly bear by increasing core habitat.
- (10) As described below, my decision does not threaten any violations of Federal, State, and local laws or requirements for the protection of the environment.

### **OTHER APPLICABLE LAWS, REGULATIONS, AND POLICIES**

**National Forest Management Act (NFMA):** I have reviewed the project and find the proposed action 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 by the April 13, 1994, Record of Decision (ROD) for Amendments of Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl, The Record of Decision, as amended by the January 2001 by the ROD and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and

other Mitigation Measures Standards and Guidelines, and as amended by the ROD on Pacific Northwest Region Invasive Plant Program, Preventing and Managing Invasive Plants (Specialist Reports).

The proposed action is consistent with the Aquatic Conservation Strategy (Hydrology and Soils Specialist Report p. 67)).

**National Environmental Policy Act (NEPA):** NEPA establishes the process and content requirements of environmental analysis and documentation for projects such as the Road 1106 Relocation 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.

**National Historic Preservation Act:** The effects of all facets of the proposed action were reviewed consistent with the 1997 Programmatic Agreement between the Advisory Council for Historic Preservation, the Washington State Historic Preservation Office, and the Forest Service. The proposed action is compliant with Section 106 of the National Historic Preservation Act under the terms of this Programmatic Agreement (EA p. 75).

**Clean Air Act:** Practices which could degrade air quality below health and visibility standards are not proposed.

**Clean Water Act:** My decision includes mitigation measures to prevent or minimize sediment and prevent any toxic material from leaving the site that will avoid negative impacts to water quality (EA pp. 17-18). This decision will greatly reduce the risk of one or more massive sediment deliveries from Road 16 to Illabot Creek and its tributaries and is expected to result in higher long-term water quality than the other alternatives (EA pp 56-65).

## **APPEAL RIGHTS AND IMPLEMENTATION**

This decision is subject to appeal pursuant to the regulations found at 36 CFR 215.9(c). The decision is appealable only by those individuals and organizations who provided comments or otherwise expressed interest during the 30-day comment period on the proposed action. The appeal must meet the requirements at 36 CFR 215.14.

The appeal must be filed with the Appeal Deciding Officer, Attn: 1570 Appeals, 2930 Wetmore Avenue, Suite 3A, Everett WA 98201, faxed to (425) 783-0214, sent electronically to [appeals-pacificnorthwest-mtbaker-snoqualmie@fs.fed.us](mailto:appeals-pacificnorthwest-mtbaker-snoqualmie@fs.fed.us), or hand delivered to the above address between 8:00 am and 4:30 pm, Monday through Friday except legal holidays. The appeal including attachments must be postmarked or delivered within 45 days of the publication date of the legal notice for this decision in the *Skagit Valley Herald*. The publication date of the legal notice in the *Skagit Valley Herald* is the exclusive means for calculating the time to file an appeal. Those wishing to appeal should not rely on dates or timeframes provided by any other source.



Electronic appeals must be submitted as an attachment in Microsoft Word (.doc , .docx, or .rtf), text (txt), portable document format (.pdf), or as an e-mail message. E-mailed appeals must include the project name in the subject line. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

It is the responsibility of each individual and organization to ensure their appeal is received in a timely manner. For electronically mailed appeals, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive such an automated acknowledgement, it is the sender's responsibility to ensure timely receipt by other means.

If an appeal is filed, the decision may not be implemented until 15 days following the date of appeal disposition, depending on the nature of that disposition. If no appeal is filed, decision may begin on, but not before, the 5th business days after the close of the appeal period.

Implementation of the closure will likely take several years. External funds will need to be obtained and it is unlikely that the full amount could be obtained in one effort. As such implementation will be planned occur in three phases. Phase one is expected to decommission the road and spur roads beyond the Slide Lake trail ahead, including removal of the Otter creek bridge, and upgrade of the road from MP 8.0-9.5. Phase two will likely include decommissioning the road from the Slide Lake trailhead back to MP 14.1 (as proposed under alternative R). Phase three is expected to decommission the road from MP14.1 back to MP 9.5. Phase one will likely occur in 2013, with each of the other phases in the next two years.

For further information regarding this decision, contact me at (360) 854-2601.

*/s/ Jon Vanderheyden*

December 27, 2011

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JON VANDERHEYDEN  
District Ranger

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Date