

DENNY CREEK FRANKLIN FALLS TRAIL AND TRAILHEAD RECONSTRUCTION PROJECT

DRAFT DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

USDA FOREST SERVICE MT. BAKER-SNOQUALMIE NATIONAL FOREST SNOQUALMIE RANGER DISTRICT KING COUNTY, WASHINGTON

PRELIMINARY DECISION

I plan to implement Alternative 2. This preliminary decision is based on review of the June 2014 Denny Creek Franklin Falls Trail and Trailhead Project Environmental Assessment (EA), Specialist Reports, applicable direction in the Mt. Baker-Snoqualmie National Forest Land and Resource Management Plan, as amended (Forest Plan), other information available in the Project Record, and public and tribal comments regarding the proposal.

Alternative 2 is hereafter called the “Selected Alternative.” The Denny Creek Franklin Falls Trail and Trailhead Project EA is incorporated by reference herein.

The Selected Alternative comprises the following actions:

- Install a gate across Forest Service Road (FSR) 5830 on the east side of the bridge over the South Fork Snoqualmie River
- Close 0.25 miles of FSR 5830 to public vehicular use (administrative and cabin owner access would be maintained)
- Install a gate across FSR 5830-010 at its junction with FSR 5830
- Close all 0.15 miles of FSR 5830-010 to public vehicular use (administrative and cabin owner access would be maintained)
- Create 125 new parking places in four areas along a re-established spur of FSR 5800
- Install new double-vault outhouses at proposed new Parking Areas A and C
- Construct four new trails, each about 500 feet in length, to connect parking areas with trailheads and campgrounds
- Reconstruct and/or relocate approximately 1975 feet of the existing Franklin Falls trail. This would include some blasting of bedrock near the falls. 340 feet of trail would be relocated out of the floodplain of the South Fork Snoqualmie River.

These project elements are described in detail below and shown in maps in Appendix B.

SELECTED ALTERNATIVE COMPLETE DESCRIPTION

Denny Creek trailhead and FSR 5830-000

This portion of the project proposes to close the existing Denny Creek Trailhead and parking lot to motor vehicles by installing a gate on Forest Service Road (FSR) 5830 just east of the bridge over the South Fork Snoqualmie River (see map in Figure 1 in Appendix B). The existing 0.25 miles of road beyond the gate would be left in place and open to the public for pedestrian traffic. No major changes are proposed to the closed road or parking lot. However, regular engineering and recreation maintenance would continue. This includes, but is not limited to: installing additional picnic benches; brushing vegetation back from the road prism; road grading; and spot surfacing.

A typical single-pivot would be installed so that it is visible to oncoming traffic. The cross member blocking the road would be approximately 42-50 inches in height above road surface with a barricade and object markers. A diagonal cross-member support would provide midpoint lift to the gate. The owners of the 12 recreation residences located beyond this gate would be issued gate keys for access. A closure order to motor vehicles would be issued for the portion of the road beyond the gate, but administrative, cabin owner, and emergency vehicle use would be preserved. A road use permit would be established with a cabin owners' association for the newly closed portion of the road, specifying maintenance responsibilities for the road, gate, and locks. The maintenance level of the road would not change, because access for emergency vehicles will continue to be required.

Access in the winter for cabin owners would be limited depending on weather conditions and snow levels. A snow depth of less than 24 inches (early winter months) should not pose a significant barrier for the opening of the gate, although some digging around the pivot upright pole might be necessary. Snowmobile access would be allowed for the key-holding residents when snow restricts vehicle entry. However, the road will continue not to be plowed and the pass-by for the gate will only be wide enough to accommodate pedestrians.

Gate installation would require use of heavy equipment including, but not limited to, an excavator and dump truck. This may cause minimal ground disturbance east of the bridge of an area of approximately 30 feet by 15 feet.

By closing this road and parking lot and constructing additional parking elsewhere, we are addressing the need to prevent resource damage to the stream adjacent the road, and providing better access for emergency vehicles and Forest Service personnel.

FSR 5830-010

This road would be gated at its junction with FSR 5830. This road accesses 8 recreation residences east of the South Fork Snoqualmie River (see map in Figure 1). The owners of these residences would be issued gate keys for access. Winter access would be the same as on FSR 5830-000, except that there would be no pass-by for the gate to accommodate pedestrians or any type of vehicles. The current 0.15 miles of road beyond the gate would be left in place and open to the public for pedestrian traffic. No major changes are proposed to the closed road, except that it will be recorded as a Maintenance Level 2 (ML2) road in the future, rather than a Maintenance Level 3 (ML3). ML2 roads are for use by high clearance vehicles. These require less maintenance than ML3 roads, which are for travel by a prudent driver in a standard passenger car.

A road use permit would be established with a cabin owners' association for the newly closed portion of the road, specifying maintenance responsibilities for the road, gate, and locks. Cabin 28 would no longer have a place to park because of the safety and spatial limitations of this project. Thus, the owner of Cabin 28 will be given access and permission to park at the to-be-constructed Parking Area C.

Gate installation would require use of heavy equipment including, but not limited to, an excavator and dump truck, causing minimal ground disturbance at the intersection of the FSR 5830-010 and the Franklin Falls Trailhead of an area of approximately 30 feet by 15 feet.

Closing this road should prevent improper parking which creates unsafe conditions and resource damage, as vehicles are redirected to the proper, newly constructed, parking areas.

Additional Parking, Road and Trailhead Improvements

To accommodate the high use in the project area, we plan to construct approximately 120 new parking stalls. This replaces the 30 stalls at the current Denny Creek trailhead (to be closed) and the 9 stalls at the current Franklin Falls trailhead. Parking at the Franklin Falls trailhead, Parking Area A, would be converted to 5 accessible parking stalls (per the Americans with Disabilities Act). These stalls would be limited to vehicles with disabled parking placards, tabs, or plates. All other parking would be distributed to three new parking lots, B, C, and D along the abandoned road prism of FSR 5800. The abandoned road prism is located east of the existing FSR 5800 and just past the Denny Creek Campground. The abandoned road prism begins at the intersect FSR 5800 at MP 2.4 where it is covered by slide debris, extends for approximately 0.25 miles, and then ends at the intersection with FSR 5800 at MP 2.71 where it is open for travel (see map in Figure 1).

Brushing, clearing and grubbing, drainage installation, reconstruction, road construction in the boulder field, parking area construction, and asphalt resurfacing of the abandoned 5800 road prism and parking areas is required for use and access. Up to 15 trees, all less than 20 inches diameter at breast height (dbh), would be removed in the construction of parking areas A and B. Construction in the boulder field would require use of a Boulder Buster and/or blasting. A Boulder Buster is a shotgun-like rig with a heavy woven rubber mat that prevents fly-rock. This tool only works on boulders and will not work well on bedrock. Blasting in areas close to Interstate 90 could require closure of this freeway. Parking area A, and the road, would be surfaced using either compacted aggregate or asphalt pavement. Parking areas B, C, and D would be surfaced with pervious pavement.

Structures to be constructed to accommodate the new parking areas and existing use include vault toilets and shelters. Two new double-vault outhouses would be installed at Parking Areas A and C. Two shelters for users of future alternative transportation would be constructed at parking areas B and C, where bus parking is designated. These shelters would be within the footprint area of the proposed parking lots. (See site plan in Figure 1).

Excess and waste materials from reconstruction, brushing, clearing, and logging out would be hauled to an existing waste site of approximately 10,000 square feet located adjacent to FSR 5800 at MP 2.22. Native plants would be installed to visually screen the parking lots from the cabins and campground. Brushing is cutting and disposal of vegetation that can be accomplished with a brushing or mowing machine (not a sawyer). Clearing is cutting and disposing of vegetation above ground such as trunk and branches that typically require a sawyer.

New trails

Four new trails would be constructed (see map in Figure 2, Appendix B). Trail A would connect Group Campsite #34 in the Denny Creek Campground to Parking Area A (also the location of the Franklin Falls Trailhead and the gate, behind which the trail to the Denny Creek trailhead begins). It would be about 366 feet long. Most of the trail would be on relatively flat ground with some side hill excavation and a rock retaining wall in the approach to Parking Area A. No additional trail structures would be installed, other than signage, and no trees over 12" dbh would be removed.

Trail B would connect Parking Area B to Trail C and Parking Area C. It would be about 200-feet long and ADA-accessible. Fewer than five trees less than 18" dbh would be removed. Controlled blasting would be used to remove obstacles and maintain an appropriate grade in the area approaching Parking Area C. Blasting mitigations for wildlife and fish are specified on page.

Trail C would connect Parking Area C to Parking Area A. It would be about 600-feet long. Trail C descends from Parking Area C requiring a switchback. The trail would cross Denny Creek Road #58 at the junction with Forest Service Road #5830. Up to two trees less than 18" dbh would be removed. Approximately 30 feet of puncheon or raised trail-bed would be installed on the final approach to Denny Creek Road from the east and some controlled blasting would be used in creating this trail.

Trail D would connect Parking area D to the Wagon Road trail (#1021), which then connects to the Franklin Falls trailhead. Up to two trees less than 18" dbh would be removed. Up to 30 feet of puncheon would be needed for wet areas and to maintain grades and alignment. Note heritage mitigations for the Wagon Road Trail in Appendix A.

All four new trails would be accessible under the specifications of the Americans with Disabilities Act (ADA-accessible), except that Trail D would connect with the Old Wagon Road, which is not an ADA-accessible trail. People with disabilities who park near Trail D would need to traverse the parking lot and connect with Trail C for an ADA-accessible route to the Franklin Falls trailhead. For all four trails, the trail tread would be 4- to 5-feet wide with 5/8 minus compacted crushed rock surfacing. Treated-wood 5-inch side poles would be used in some locations to retain surfacing. Clearing limits for brushing would be 8-feet wide by 10-feet high. Grades would not exceed 7%.

Trail improvements

On the Wagon Road trail, a deteriorated split-cedar 35-foot puncheon at approximately Station 2+50 would be replaced with treated-wood puncheon. Note heritage mitigations for the Wagon Road Trail in Appendix B.

Approximately 1975 feet of the Franklin Falls Trail (#1036) would be reconstructed or relocated. For the first 304 feet of the trail, work would include windfall removal, tread and drainage maintenance, repair or replacement of minor structures, and resurfacing with gravel to make this portion of the trail ADA-accessible. Viewpoint 1 is located 304 feet up the trail. This viewpoint is already in place, but two to three rock steps would be installed to improve access and define the route to the bedrock viewing area.

From 304 feet to 845 feet (from the trailhead), work will include surfacing and side poles to maintain a 4-foot wide ADA-accessible standard trail tread to Viewpoint 2 (at 845 feet). Two old puncheon bridges totaling 36 feet (removed in 2005) would be replaced as an alternative to the current fords. Viewpoint 2 would include 30 feet of access trail and a gravel surfaced area approximately 15 feet by 15 feet, with side

rock or pole retainers to contain surfacing. Up to 8 alder trees, each less than 4" dbh, would be removed in the surfaced area.

From 845 feet to 1028 feet, tread would be 36-inches wide and raised approximately 6 inches. Check steps would be installed to retain trail surface during flooding. Local rock would be used for the check steps. From 1028 feet to 1475 feet, the trail would be relocated to bypass and replace the existing, flood-damaged, portion of the trail. The tread would be 36-inches wide and surfaced with gravel. A shallow stream ford approximately 12-feet long would be constructed to cross a dry flood channel of the river. The trail would include one switchback and one climbing turn before crossing a wet area, requiring 48 feet of turnpike or puncheon. The reroute would join the existing trail at 1475 feet.

From 1475 feet to 1653 feet, work would include additional surfacing and replacing a 40-foot bridge, realigning the bridge approaches and installing a rock retaining wall at the far end of the bridge. From 1653 feet to 2163 feet, gravel surfacing would be added. Viewpoint 3, at 2163 feet, includes a 10-foot spur trail to an existing denuded area. The spur, and the approximately 10-foot by 10-foot viewing area, would be surfaced with gravel. A 6-foot wide wooden bench and safety rails would be added to protect visitors and define the perimeter of the area.

From 2163 feet to 4350 feet, gravel surfacing would be added. A 10-foot long puncheon bridge at 3421 feet would be replaced. Viewpoint 4, at 4350 feet, would be installed in what is currently a denuded area next to the existing trail. An area bordering the trail, of approximately 8 feet by 20 feet, area would be surfaced with gravel. A 6-foot wide bench and safety rails would be installed. From 4250 feet to 4994 feet, gravel surfacing would be added. Viewpoint 5, at 4839 feet, would be installed in an existing denuded area next to the trail. The Franklin Falls trail joins the Wagon Road trail at 4994 feet.

From 4994 to 5480 feet, gravel surfacing would be added. Some controlled blasting would be needed to remove rock outcrops and improve the trail bench as it descends to the base of Franklin Falls. Blasting would occur in the summer, after the spring fish-spawning season and more than one mile from nesting habitat, or after September 23rd, to protect spotted owls and marbled murrelets during the nesting period. Blasting mats and small charges would be used to limit or avoid damage to surrounding. Side poles would be installed to retain surfacing. A 42-foot crib ladder stairway would descend a steep section of trail. Up to 275 feet of stairway and a low retaining wall, anchored to the hillside, would be installed to descend to the end of the trail. Viewpoint 6 would be located at 5329 feet. It would be supported by mortared rock walls, up to 8 feet high, anchored to bedrock. A short three- to five-step stairway would descend to the viewing area. The viewing area would be 8 feet by 15 feet and surfaced with gravel. Stone walls would be installed for visitor safety. The trail work would end at 5480 feet.

These improvements help to align the recreation infrastructure with the demand, protect natural resources, and facilitate access for emergency and agency personnel and cabin owners.

OTHER ALTERNATIVES CONSIDERED

Alternative 1 – No Action: I did not select Alternative 1 because it failed to achieve the project's Purpose and Need, or Forest Plan goals and objectives. Specifically, it would not gate FSR 5830-010 or the last 0.25 miles of FSR 5830. It would not create new parking or trails, install new outhouses, or repair the Franklin Falls trail. Trail and trailhead amenities would continue to be insufficient for the demand at the site and resource damage and emergency vehicle blockage would continue.

RATIONALE FOR THE PRELIMINARY DECISION

I plan to select Alternative 2 to be implemented because it meets the project purpose and need. It protects natural resources, improves facilities for recreation, and enhances emergency access. As discussed below, implementation of the Selected Alternative is consistent with the Forest Plan, the National Forest Management Act, and other pertinent laws and regulations. No significant impacts were identified in the EA.

MITIGATION

Mitigation measures and design features are developed to avoid, reduce, eliminate, rectify, or compensate for the undesirable effects of project activities. Implementation of the mitigation measures and design features identified in the EA is a condition of my approval of the Selected Alternative. Appendix A lists these mitigation measures and design features, states their objectives, rates their effectiveness, identifies which Forest Plan standards and guidelines they address, and identifies the person responsible for their enforcement.

FOREST PLAN CONSISTENCY

I have reviewed the EA, including the environmental effects and Forest Plan consistency sections, for each affected resource and Forest Plan land allocation (EA Chapter 3). I find the Selected Alternative to be consistent with the goals, objectives, standards and guidelines of the Forest Plan, as amended. The action will not alter the multiple-use goals and objectives for long-term land and resource management.

Projects that are within the range of the northern spotted owl are subject to the survey and management standards and guidelines in the *2001 Record of Decision (ROD) and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and Other Mitigation Measures Standards and Guidelines* (2001 ROD). I find that this decision complies with the Northwest Forest Plan as amended by the 2001 ROD. It considers suitable habitat for survey and manage species and applies appropriate mitigations providing for a reasonable assurance of species' persistence. No Survey and Manage plant species were found during surveys. Under the Selected Alternative there would be "No Impact" to these plant species (EA pp. 37-38 and Botany Specialist Report). The Selected Alternative will have "No Impact" on Survey and Manage wildlife species (EA pp. 30-32 and Wildlife Specialist Report).

Riparian Reserves: My decision will be consistent with Aquatic Conservation Strategy objectives and Riparian Reserves standards and guidelines (EA pp. 32-35 and Fisheries Specialist Report). The Selected Alternative will create new parking lots and trails, and improve existing trails, moving recreationists and vehicles out of riparian reserve areas.

Management Area 3D (MA 3D) – Private Sector Sites: My decision will be consistent with this land allocation. The Selected Alternative improves conditions for the recreation residences by preventing the public from blocking their access with improperly parked vehicles (EA pp. 37-38 and Recreation Specialist Report).

MA 27SA – Alpine Lakes Management Area Special Area: My decision will be consistent with this land allocation. The Selected Alternative would maintain visual quality and improve recreation use, providing appropriate facilities for the public (EA pp. 37-38 and Recreation Specialist Report).

ISSUES ADDRESSED

I reviewed the concerns identified by scoping respondents and input from the interdisciplinary (ID) team assigned to the project, and I determined whether there were significant issues to be addressed based on the following criteria (Council on Environmental Quality [CEQ] regulations at 40 CFR 1501.7). Non-significant issues are identified as those:

1. Outside the scope of the Proposed Action;
2. Already decided by law, regulation, Forest Plan, or other higher level decisions;
3. Irrelevant to the decision to be made; or
4. Conjectural and not supported by scientific or factual evidence.

Significant issues are used to develop alternatives, identify mitigation measures, or track environmental effects. Issues may be “significant” due to the extent of their geographic distribution, the duration of their effects, or the intensity of public interest or resource conflict. Based on this review, I identified two significant issues during scoping, both of which were addressed by clarifying the proposed action:

1. Cabin owners wish to have access behind gates during winter months
2. Water and oil drainage from the parking lots should be filtered, treated, or retained

These significant issues have been effectively addressed in this analysis by the development of an alternative (the Selected Alternative) that maintains access for cabin owners in winter to the greatest extent possible, and uses pervious concrete to manage water and oil drainage from the parking lots.

PUBLIC INVOLVEMENT

The Forest Service combined the scoping and pre-decisional comment periods (36 CFR 215) into one effort. On May 29, 2012, postcards were mailed to 32 tribal representatives, nongovernmental organizations, and individuals to invite them to a public meeting on this project. The public meeting was held on the evening of June 20th in Seattle. About 15 people attended, including recreation residence owners, and representatives from recreation and environmental nonprofit organizations. Follow-up tribal consultation and public scoping notices were mailed out to Tribes (Snoqualmie Tribe, Tulalip Tribes and Yakama Nation) on July 31, 2012, and to interested citizens, groups, industry, and agencies on the Snoqualmie Ranger District mailing list on August 2, 2012. A legal notice inviting comment on the proposed action was published in the *Snoqualmie Valley Record* (newspaper of record) on August 8, 2012. Sixteen total comments were received from the public on the project through this combined scoping, comment, and consultation effort. See EA Table 1 for comments received and Forest Service responses. A few of the comments helped to improve and clarify the Selected Alternative and plans for its implementation.

TRIBAL CONSULTATION

The Forest Plan, p. 4-97, directs that the MBS NF “present information about planned project activities in all management areas (i.e., protected and otherwise) to religious and political leaders of Tribal groups whose traditional practices might be affected.” Through government-to-government consultation during the combined scoping and comment period (see Public Involvement, above), the Forest Service provided the Tulalip, Snoqualmie, and Yakama Tribes the opportunity for involvement in the NEPA process. The Tribes did not submit any comments.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

I have evaluated the effects of the project relative to the definition of significance established by the Council on Environmental Quality (CEQ) Regulations in 40 CFR 1508.27. I have reviewed and considered the EA and documentation included in the Project Record, and I have determined that the Selected Alternative will not have a significant effect on the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows, organized by subsection of the CEQ definition of significance cited above.

1. *Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial [40 CFR 1508.27(b) (1)].*

In terms of beneficial effects, the Selected Alternative meets the stated purpose and need for the project and will provide improved recreation infrastructure and resource protection (DN pp. 5-6, Rationale for Decision). I assessed the anticipated adverse environmental effects of the Selected Alternative, as detailed in EA Chapter 3, in terms of context and intensity, and I found them to be localized, minor, and short-term.

2. *The degree to which the proposed action affects public health or safety [40 CFR 1508.27(b) (2)].*

Public health and safety will be protected by improving safe parking areas and trails, and emergency vehicle access. Impacts to forest users within the project area will be minimized by restricting project activities Friday noon through Sunday and on holidays during the May 1 to October 31 peak summer use season. As a result, the majority of recreationists would not be affected because most recreation use occurs on weekends (EA pp. 37-38 and Recreation Specialist Report).

3. *Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas [40 CFR 1508.27(b) (3)].*

The EA addressed potential impacts on historic and cultural resources (pp. 38-39). There are no prime farmlands, wild and scenic rivers, or ecologically critical areas in the project area (See EA Figure 2 – Merged Land Allocation Map).

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial [40 CFR 1508.27(b) (4)].*

This DN (Public Involvement and Tribal Consultation sections above) and the associated EA (pp. 13-15) describe the public involvement process. They note that 16 scoping and pre-decisional comments were received and that two significant issues were identified and resolved. They are addressed in detail in the EA (Public Involvement and Proposed Action sections). Based on my review of the comments and the response to comments report, I do not think the effects on the quality of the human environment are likely to be highly controversial.

The Selected Alternative is expected to improve conditions for the recreating public and reduce safety concerns. The effects of the Selected Alternative on water quality and on terrestrial or aquatic habitat are expected to be minimal, neutral, or in some cases positive (EA pp. 30-35 and 39-52).

5. *The degree to which the possible effects on the human environment is highly uncertain or involves unique or unknown risks [40 CFR 1508.27(b) (5)].*

Implementation of the Selected Alternative will not have effects that are highly uncertain or involve unknown risks. Activities included in this decision have been implemented numerous times in the Forest on similar terrain and forest conditions. While any action carries some degree of risk, the Selected Alternative was designed to minimize risks. In addition, the Mt. Baker-Snoqualmie National Forest implementation procedures for road closure and parking lot and trail re/construction will ensure that the effects will be similar to those predicted in the EA (EA Chapter 3).

6. *The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration [40 CFR 1508.27(b) (6)].*

My review of the EA and supporting documentation indicates that implementation of the Selected Alternative will establish no precedent for future actions with significant effects or represent a decision in principle about a future consideration.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts [40 CFR 1508.27(b) (7)].*

Cumulative impacts are discussed in each resource-specific section of EA Chapter 3. No significant cumulative effects associated with implementation of the Selected Alternative are identified for any resource.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources [40 CFR 1508.27(b)(8)].*

The EA addressed potential impacts on historic and cultural resources (EA pp. 38-39). Cultural Resource mitigation measures, listed in Appendix A, will protect any previously unidentified heritage resources discovered during implementation.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 [40 CFR 1508.27(b) (9)].*

In regard to plant species, the EA (pp. 35-36) concludes that the Selected Alternative will have “no effect” on federally listed species, as no federally listed plant species are known to occur on the MBS NF, and none were identified in the project area during past surveys. With implementation of mitigation measures identified in Appendix A of this document, the Selected Alternative will have no impact on rare plants or sensitive habitats within the Project area. For wildlife species, the EA (pp. 30-32) states the Selected Alternative will have “no effect” on any threatened or endangered species or their critical habitat.

The Forest Service met its ESA Section 7 consultation obligations for listed fish with National Marine Fisheries Service (NMFS) and US Fish and Wildlife Service (USFWS) by preparing a project-level Fisheries Biological Assessment that led to a “no effect” determination (EA pp. 32-35) for federally listed Chinook salmon, steelhead, and bull trout and for designated Chinook and bull trout critical habitats. This Assessment concluded that the Selected Alternative “would not adversely affect” Chinook, coho, or pink salmon Essential Fish Habitat (EFH) (EA pp. 32-35).

10. *Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment [40 CFR 1508.27(b) (10)].*

Based on my review of the EA and supporting specialist reports, implementation of the Selected Alternative will be consistent with all federal, State, and local laws imposed for the protection of the environment.

NATIONAL FOREST MANAGEMENT ACT CONSISTENCY

The National Forest Management Act (NFMA) and its regulations (36 CFR 219) established guidelines for National Forest management. As required by NFMA regulations, I find that this project will be consistent with the MBS Forest Plan, as amended. The “Forest Plan Consistency” section of this document and EA Chapter 3 contain the Forest Plan consistency analysis.

In regard to the use of the best available science, I find that the EA and material in the Project Record document a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

I have reviewed each resource-specific and other required disclosure sections in EA Chapter 3 and determined that each addresses compliance with all applicable laws and regulations, and potential conflicts with plans or policies of other jurisdictions.

PRE-DECISIONAL ADMINISTRATIVE REVIEW OPPORTUNITY

This EA was begun when administrative appeals (36 CFR Part 215) were in effect. The Denny Creek Franklin Falls trail and Trailhead project is now subject to the pre-decisional administrative review process, pursuant to 36 CFR 218, subpart B. A copy of the Environmental Assessment, and other documentation, can be found on the Forest’s website at: <http://go.usa.gov/8sXA>. Additional information can be obtained by contacting the Team Leader, Rachel Lipsky, at the Snoqualmie Ranger District, by phone at (425) 888-8750, or by email to rlipsky@fs.fed.us.

Only individuals or organizations that submitted specific written comments during a designated opportunity for public participation (in this case, the combined scoping and 30-day public comment period in 2012) may object (36 CFR 218.5). Notices of objection must meet the requirements of 36 CFR 218.8(d); incorporation of documents by reference is permitted only as provided for at 36 CFR 218.8(b). Objections must be based on previously submitted comments regarding the proposed project and attributed to the objector, unless the issue is based on new information that arose after the opportunity for comment. The burden is on the objector to demonstrate compliance with this requirement.

An objection must include a description of those aspects of the proposed project addressed by the objection. This includes: specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and a statement that demonstrates the connection between prior specific written comments on the proposed project and the content of the objection (unless the objection concerns new information, as described in the previous paragraph). Objections received, including names and addresses of those who

comment, will be part of the Project Record and available for public review. For further information, please contact the project’s Team Leader, Rachel Lipsky, at (425) 888-8750, or rslipsky@fs.fed.us.

Objections may be mailed to: Regional Forester, Objection Reviewing Officer, Pacific Northwest Region, USDA Forest Service, Attn. 1570 Appeals and Objections, PO Box 3623, Portland, OR 97208.

Objections delivered by mail must be received before the close of the fifth business day after the objection filing period. Please send objections by email to: objections-pnw-regional-office@fs.fed.us.

Electronic objections must be submitted as part of an actual e-mail message, or as an attachment in Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf) only. For electronically mailed objections, the sender should normally receive an automated electronic acknowledgement from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgement of the receipt of the objection, it is the sender’s responsibility to ensure timely receipt by other means.

Objections may also be hand-delivered to the Pacific Northwest Regional Office, 1220 SW 3rd Avenue, Portland, OR 97204. Hand-deliveries can occur between 8:00 AM and 4:30 PM, Monday through Friday, except legal holidays. Objections may also be faxed to: Regional Forester, Attn: 1570 Objections, at (503) 808-2339.

Objections must be postmarked or received by the Reviewing Officer, Regional Forester, within 45 days from the date of publication of the legal notice in the newspaper of record (expected publication date in the Snoqualmie Valley Record is June 11, 2014). The publication date is the exclusive means for calculating the time to file an objection. Those wishing to file an objection should not rely upon dates or timeframe information provided by any other source.

PROJECT IMPLEMENTATION

If no objections are filed within the 45-day time period, implementation of the plan amendment may occur on or after the 5th business day from the close of the objection filing period. If an objection is filed, the reviewing officer must issue a written response to the objector within 90 days of the end of the objection-filing period. The responsible official may not issue a Final Decision Notice until the reviewing officer has responded in writing to all objections (36 CFR218.12 (a)).

CONTACTS

For further information, contact Martie Schramm, Snoqualmie District Ranger at 902 SE North Bend Way, North Bend, WA 98045, by telephone at (425) 888-8750, or e-mail at mschramm@fs.fed.us.

/s/ Martie Schramm

06/10/2014

MARTIE SCHRAMM

Date

District Ranger
Snoqualmie Ranger District
Mt. Baker-Snoqualmie National Forest

APPENDIX A – DENNY CREEK FRANKLIN FALLS TRAIL AND TRAILHEAD PROJECT MITIGATION MEASURES AND DESIGN FEATURES

Mitigation Measure or Project Design Feature	Objective	Effectiveness and Basis	Source	Enforcement
Hydrology, Soils, and Fisheries				
HSF1 - Comply with all requirements of, and maintain a copy of, the MOU between the Washington Department of Fish and Wildlife and US Forest Service for Hydraulic Permit Approval on site during implementation.	Regulatory compliance; minimize effects to aquatic resources	HIGH (State Law)	WDFW MOU (2102)	Project Administrator(s) or their Representative(s), FS staff
HSF2 - Comply with all requirements of and maintain a copy of the RPG-8 for CWA 404 permitting July 19, 2011 agreement between the US Army Corp of Engineers and US Forest Service regarding aquatic restoration activities on NFS lands within the State of Washington onsite during implementation activities.	Regulatory compliance; minimize effects to aquatic resources	HIGH (Federal Law)	RPG-8 (2011)	Project Administrator(s) or their Representative(s), FS staff
HSF3 - Minimize erosion and sediment delivery to streams and wetlands. During implementation, reduce sedimentation by use of erosion control methods and BMPs such as silt or filter fabric, silt or filter fencing, straw bales, temporary settling ponds, and rain cover. Work being conducted within 50 feet of a live stream or wetland shall utilize silt fencing where appropriate.	Minimize stream channel impacts	MODERATE (Brown 1969)	BMP, ACS, (1990 Forest Plan, p. 4-126), RPG-8 (2011), WDFW MOU (2012), ARBO (2007)	Project Administrator(s) or their Representative(s)
HSF4 - Work during dry field conditions. If wet weather conditions during project operations generate and transport sediment to a stream channel or other water body, operations shall cease until the weather conditions improve, unless delaying operations would create the risk of adverse resource impacts. Coordination with FS aquatic specialists shall be part of this decision process.	Protect stream channel from water quality impacts	MODERATE to HIGH, (MBS Forest Roads Experience)	BMP, WDFW MOU (2012), RPG-8 (2011), ARBO (2007)	Forest Service Aquatic Specialist and Project Administrator (or their representative)

Mitigation Measure or Project Design Feature	Objective	Effectiveness and Basis	Source	Enforcement
HSF5 – Retain woody material in riparian areas by disturbing the minimum amount of vegetation necessary to accomplish project and leaving felled trees on-site, felled toward the stream or incorporated into stabilization of the stream channel. Define riparian areas as places where a felled tree could reach the stream.	Minimize Riparian Reserve impacts	MODERATE (Consultation, BMP, MBS Forest Experience)	BMP, ACS, (1990 Forest Plan, p. 4-126, 119), RPG-8 (2011), ARBO (2007)	Project Administrator(s) or their Representative(s)
HSF6 – Any ground-disturbing activities in channels and along the banks of fish-bearing streams or streams located within ¼ mile of fish habitat shall be conducted during in-stream work windows. Ground work outside of the bankfull channel with no potential to negatively affect fish is allowed outside of in-stream work windows. ¹	Minimize impacts to aquatic resources during fish spawning and incubation periods; regulatory compliance	HIGH (Consultation)	WDFW (2012)	Project Administrator(s), FS staff
HSF7 - Any pumps used during de-watering of fish-bearing waterbodies shall be equipped with a fish guard to prevent passage of fish into pump. Pump intake shall be screened with 3/32 inch or smaller mesh.	Minimize impacts to fish	HIGH (Consultation, BMP)	WDFW MOU (2012)	Project Administrator(s) or their Representative(s)
HSF8 - Immediately notify Forest Service personnel if any fish kill occurs during project activities.	Minimize impacts to fish	HIGH (Consultation, Standard for Construction)	WDFW MOU (2012), RPG-8 (2011), ARBO (2007)	Project Administrator(s) or their Representative(s)
HSF9 - Dispose of all waste material generated from implementation at the identified waste area, but not within 100 feet buffer of the intermittent stream along the south edge of the waste area. Ensure that the waste material is disposed of in a manner that will not result in erosion and sedimentation.	Minimize effects to water quality	MODERATE (Consultation, NFS Experience)	BMP, WDFW MOU (2012), RPG-8 (2011), ARBO (2007)	Project Administrator(s) or their Representative(s)

¹ The current in-stream work window for the South Fork Snoqualmie River is July 16-February 28.

Mitigation Measure or Project Design Feature	Objective	Effectiveness and Basis	Source	Enforcement
HSF10 - Waste water from construction activities shall be disposed of or routed away from the stream channel to allow the removal of fine sediments and other contaminants prior to infiltration back into a surface waterbody.	Minimize effects to water quality	HIGH (Consultation, NFS Experience)	WDFW MOU (2012), RPG-8 (2011)	Project Administrator(s) or their Representative(s)
HSF11 - Machinery shall be fueled outside of the Riparian Reserve area and/or as approved by the Forest Service. Maintain a spill remediation kit onsite for any temporary fuel stored on NFS lands in association with this project.	Minimize effects to water quality	MODERATE to HIGH (Standard for Construction)	WDFW MOU (2012), BMP, FP-03, ACS, (1990 Forest Plan, p. 4-126)	Project Administrator(s) or their Representative(s)
HSF12 - Pumps and generators shall be kept and operated on a sorbent pad or petroleum containment basin with 150% of the pumps' fuel capacity.	Minimize effects to water quality	HIGH (NFS Experience)	BMP ACS, (1990 Forest Plan, p. 4-126), RPG-8 (2011)	Project Administrator(s) or their Representative(s)
HSF13 - Avoid crossing of streams and wetlands with heavy equipment and access vehicles. A single round-trip across a stream may be allowed, only if necessary and with prior approval by the Forest Service. If multiple crossings are necessary, a temporary bridge or culvert shall be installed to protect the stream channel or wetlands.	Minimize effects to water quality	MODERATE (Consultation, NFS Experience)	WDFW MOU (2012), RPG-8 (2011)	Project Administrator(s) or their Representative(s)
HSF14 - Heavy machinery and project service vehicles shall be free of leaks. Check heavy machinery for leaks prior to commencement of daily work. Repairs will be conducted before commencing or continuing work. All repairs to machinery or service vehicles shall be conducted at a location outside of riparian reserve areas and/or as approved by the Forest Service.	Minimize effects to water quality	MODERATE to HIGH (NFS Experience)	BMP, FP-03, ACS, (1990 Forest Plan, p. 4-126), RPG-8 (2011)	Project Administrator(s) or their Representative(s)

Mitigation Measure or Project Design Feature	Objective	Effectiveness and Basis	Source	Enforcement
HSF15 – Remove rock near the South Fork Snoqualmie River by methods other than blasting, if possible. If blasting is required, use the lowest charge necessary, and use blasting caps to achieve 50-millisecond delays between charges in each shot. Prevent blasted materials from entering the stream channel.	Minimize effects to fish and fish habitats	MODERATE (Consultation)	NMFS (2007), USFWS (2007)	Project Administrator(s), FS staff
Heritage Resources				
H1 - If a previously unidentified cultural resource(s) is discovered during project implementation, the activity shall be stopped in the area of the find and a reasonable effort to secure and protect the resource(s) shall be made. The Heritage Specialist shall be notified and the Forest would fulfill its responsibilities in accordance with the Programmatic Agreement and other applicable regulations.	Protect heritage resources	MODERATE (MBS Forest experience)	Pursuant to Stipulation III.C of the Programmatic Agreement. USDA 1990, Forest-wide S&G, p. 4-99, Archaeology Protection	An individual who finds a resource is responsible for stopping work. This could be: a worker, project manager, FS employee, contractor, partner, volunteer, COR, or Inspector.
H2 - If Indian human remains or other cultural items specified in the Native American Graves Protection and Repatriation Act (NAGPRA) are discovered, work shall stop and the finding shall be secured. The MBS NAGPRA protocol shall be followed and the Forest Service will take jurisdiction. Notify the Heritage Specialist.	Protect American Indian burials and cultural items	MODERATE (MBS Forest experience)	MBS Forest Plan; 43 CFR 10	An individual who finds a resource is responsible for stopping work. This could be: a worker, project manager, FS employee, contractor, partner, volunteer, COR, or Inspector.

Mitigation Measure or Project Design Feature	Objective	Effectiveness and Basis	Source	Enforcement
<p>H3 - For Site 06050500150, the Denny Creek Recreation Residence Tract Historic District, the proposed CXT pit toilet at Parking Area C will not be viewable from Cabin 28. The toilet should be placed in a location that is not viewable, and/or a visual screen should be created between the toilet and Cabin 28. A visual screen could include landscaping, boulders, soil, and/or vegetation (shrubs). There will be no diminishment of the setting and feeling of the character of this cabin when viewed by the cabins primary façade. Several alternative locations within Parking Lot C have been proposed for the CXT. The final location will be reviewed by a Heritage Specialist, prior to project implementation, to ensure that there will be no diminishment of the setting and feeling associated with this historic property.</p>	<p>Protect the integrity of setting and feeling for the Historic District.</p>	<p>MODERATE (MBS Forest experience)</p>	<p>MBS Forest Plan</p>	<p>Project manager, contractor, or COR</p>
<p>H4 - For Site 06050500038, the Snoqualmie Pass Wagon Road at Denny Creek, the proposed Trail A must avoid the intact Snoqualmie Pass Wagon Road segment. Route the trail between the segment and the power pole for Campsite 34. Block the mouth of the segment, to discourage use, by placing boulders on the edge of the Trail A path. A Heritage Specialist will review the proposed trail location during or after layout (before construction) to verify that no heritage resources are affected.</p>	<p>Protect heritage resources</p>	<p>MODERATE (MBS Forest experience)</p>	<p>MBS Forest Plan</p>	<p>Workers, project manager, FS employees, contractors, partners, volunteers, COR, or Inspector</p>

Mitigation Measure or Project Design Feature	Objective	Effectiveness and Basis	Source	Enforcement
H5 - Construction of the proposed Trail D must not cross or modify any wagon road remnants, including features of the wagon road such as through cuts or slope cuts. A Heritage Specialist will review the proposed trail location during or after layout (before construction) and verify that no characteristics of the wagon road are affected.	Protect heritage resources	MODERATE (MBS Forest experience)	MBS Forest Plan	Workers, project manager, FS employees, contractors, partners, volunteers, or COR
H6 - Reconstruction of a puncheon bridge on the Wagon Road Interpretive Trail must be monitored by heritage specialist to ensure that no alterations to the historic wagon road will occur, and that all aspects of the wagon road will be protected.	Protect heritage resources	MODERATE (MBS Forest experience)	MBS Forest Plan	Workers, project manager, FS employees, contractors, partners, volunteers, or COR
Vegetation				
V1 - If any previously undiscovered TES or S&M plants are discovered, before or during project implementation, halt work until a USFS botanist is consulted and necessary mitigation measures are enacted.	Prevent impacts to TES and Survey & Manage plants	HIGH (logic)	Forest Plan p. 4-127, USDA Forest Service 1990.	Contract Administrator
V2 – Thoroughly clean heavy equipment (tracks, wheels, frame, undercarriage, bucket etc) and service vehicles offsite prior to commencement of work. Service vehicles leaving the local area (MBS and adjacent municipal areas) and or used off paved municipal roads away from the project area shall be thoroughly cleaned before returning to work site. Equipment shall be inspected by COR prior to commencement of work to ensure machinery is clean and free of dirt and debris.	Minimize noxious weed introduction and spread and potential effects of invasive plant species to Riparian Reserves	MODERATE to HIGH (USDA Forest Service 2005a, Ferguson 2003, Standard for Construction, NFS Experience))	2005 Region 6 Record of Decision for Preventing and Managing Invasive Plants, Standard 2, BMP, FP-03, ACS, (1990 Forest Plan, p. 4-126), RPG-8 (2011)	Contract Administrator

Mitigation Measure or Project Design Feature	Objective	Effectiveness and Basis	Source	Enforcement
V3 - Protect documented TES and Survey and Manage plants. Specifically, avoid the known populations of the Cabbage lung lichen (S&M plant) growing on two Pacific silver fir along the Franklin Falls trail by adjusting construction activities so that known populations are not directly or indirectly impacted.	Prevent impacts to S&M and Sensitive plant species; maintain late-seral biodiversity	HIGH (logic)	Forest Plan p. 4-122 & 4-127, USDA Forest Service 1990	Contract Administrator
V4 - Suppliers must provide annual documentation indicating that the following products have been examined by a qualified inspector and deemed free of State listed noxious weeds: <ul style="list-style-type: none"> • Straw or other mulch (<i>weed-free straw for erosion control must be certified by WA State via the WWHAM program</i>²) • Gravel, rock, or other fill • Seeds (according to Association of Official Seed Analysts' standards) 	Prevent introduction of weeds	MODERATE (USDA Forest Service 2005a)	Forest Plan S&G #3 and 7, USDA Forest Service 2005a, Forest Plan Best Management Practices, USDA Forest Service 1999	Contract Administrator
V5 - Revegetate all soil disturbed by project activities. Use appropriate, local native plant materials where timely natural regeneration of the native plant community is not likely to occur. ³ If seeding, cover with certified weed-free straw or mulch after ground-disturbing work has been completed and prior to the onset of the wet season. ⁴	Prevent erosion; prevent introduction and spread of weeds; maintain and restore habitat	MODERATE to HIGH (USDA Forest Service 2005a)	RPG-8 (2011), 2005 Region 6 Record of Decision for Preventing and Managing Invasive Plants Standard 13, and Forest Service Manual 2070.3	Project Administrator or their Representative

² http://www.nwcb.wa.gov/WWHAM/WWHAM_suppliers.htm

³ Recommend collection and grow-out of Drooping woodreed (*Cinna latifolia*), a native grass that grows abundantly within this project area.

⁴ Mulch derived from chipping of vegetation losses due to this project is preferred.

Mitigation Measure or Project Design Feature	Objective	Effectiveness and Basis	Source	Enforcement
Wildlife				
W1 - Blasting or use of explosives within one-mile of nesting habitat is prohibited between March 1 and September 23. The entire project area is within nesting habitat.	Avoid harm and disturbance to spotted owls and murrelets during the nesting period	HIGH (Contract requirement)	As part of Section 7 consul-tation, if applicable	Project administrator and wildlife biologist
W2 - Retain felled trees from construction sites as a new source of woody debris wherever possible. Felled trees that are more than 20 inches diameter at the butt end shall be retained. Redistribute Leave down wood in place, if possible. If not, move it to areas adjacent to construction areas	Maintain or improve habitat diversity with coarse, down wood	MODERATE (low availability within project area)	Wildlife Forest-wide S&G (4-124)	Project administrator and FS Staff
Recreation				
R1 - Restrict operations from Friday (noon) through Sunday, and on holidays, during the campground operating season to avoid peak use periods.	Limit disturbance from noise and equipment to campers at Denny Creek campground	MODERATE (logic)	Forest Plan S&G (p. 4-84)	Contract Administrator

APPENDIX B – DENNY CREEK FRANKLIN FALLS TRAIL AND TRAILHEAD PROJECT SELECTED ALTERNATIVE MAPS

Figure 1

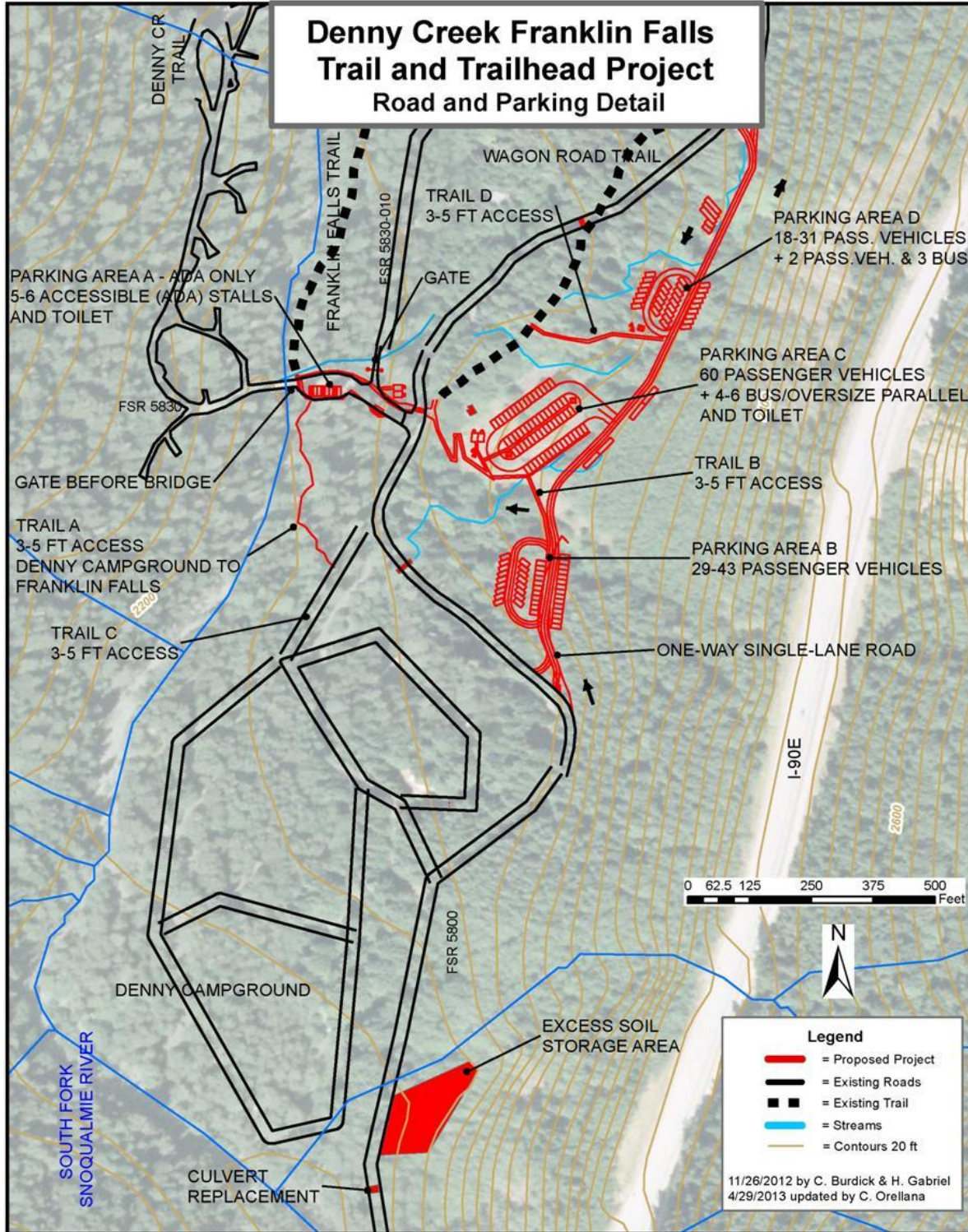


Figure 2

