SWEN LARSEN QUARRY EXPANSION PROJECT

DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT

USDA FOREST SERVICE

MT. BAKER-SNOQUALMIE NATIONAL FOREST

WHATCOM COUNTY, WASHINGTON

Decision

It is my decision to implement the Proposed Action alternative (Alternative B), as outlined in the July 2017 Environmental Assessment (EA) for the Swen Larsen Quarry Project. Best management practices and management requirements are incorporated as part of this decision and are described below. This Proposed Action is hereafter called the “Selected Alternative”. Attached to this decision notice (Figure 1) is the proposed action map highlighting the project area.

This decision follows my review of the EA and its supporting documents. These include: Specialist Reports; applicable direction in the Mt. Baker-Snoqualmie National Forest Land and Resource Management Plan, as amended (Forest Plan); the Swen Larsen Quarry Plan of Operations; and other information available in the Project Record. It also includes results of public comments received regarding the proposal. The EA describes the projected environmental effects of implementing the Selected Alternative.

The existing conditions and the Selected Alternative are described in detail in Chapter 2 of the EA (pp. 17 - 19, including Figure 3, Swen Larsen Quarry Site Layout Map).

Selected Alternative

The Selected Alternative accepts the Plan of Operations and attendant mitigations for the Swen Larsen Quarry and a 9.98-acre expansion of quarry operations at the site, all within National Forest System lands. The alternative is in alignment with and reflective of all relevant law and policy, including the General Mining Law of 1872, the National Forests Management Act, the 1992 Northwest Forest Plan as amended, and the 2001 Roadless Rule, among others.

Expansion would allow for additional mineral extraction at the quarry over an estimated 20-year period. The proposed action involves the following key activities:
• Excavate, crush, and screen approximately 25,000 to 50,000 tons of olivine production rock a year.¹

• Removal of vegetation from the expansion area during excavation.

• Chip a portion of the removed trees for reclamation activities and retain for slope stability, erosion control, and nutrient enhancement. Disposition of trees will be at Forest Service discretion.

• Haul approximately 25,000 to 50,000 tons olivine production rock a year to the Mosquito Lake Road Reload Site (off-site). This activity is closely related to the action (also known as a connected activity).

The overall goal of the proposed action is to continue mining operations at the Swen Larsen Quarry by expanding the area where extraction of olivine can be conducted, in accordance with all applicable local, state, and federal regulations.

**The General Mining Law of 1872**

Selection of the Proposed Action was determined in relation to Twin Sister Olivine’s statutory right under the General Mining Law of 1872.

The General Mining Law of 1872 provides the statutory rights of claimants to enter public lands to prospect, develop, and mine minerals, as well as authorize the claimant’s right to reasonable access. The Organic Administration Act of 1897 provides the Forest Service with the authority to manage the surface resources of mining claim areas, but does not give the agency the authority to manage the mineral resource itself. This act also recognizes the statutory right of persons to prospect and mine on National Forest System lands that are open to mineral exploration. Under this law, the Swen Larsen Quarry is open to prospect and mine.

The agency can require that mining activities meet the rules and regulations governing the National Forest; this may include requiring measures to reduce (mitigate) impacts to surface resources. Projects are reviewed for compatibility with standards and guidelines established for surface resources in the Land and Resource Management Plan (LRMP) for the Mt. Baker Snoqualmie National Forest.

The Swen Larsen Quarry and the expansion area lie within a municipal watershed and an Inventoried Roadless Area. An Inventoried Roadless Area is a designated area on National Forest System lands that establishes prohibitions on road construction, road reconstruction and timber harvesting (36 CFR 294, 2001). These designated land allocations by the LRMP provide a set of specific standards and guidelines to how these areas are managed. Additional, relevant

¹ This tonnage is the calculated amount of crushed and screened rock planned for delivery to the Mosquito Lake Road reload site. This is dependent on market demand and extraction rates.
regulations for management guidelines are primarily set forth in the Code of Federal Regulations (36 CFR 252; 36 CFR 228, 36 CFR 251) and in the Forest Service Manual (FSM 2813.14).

While standards and guidelines exist on how these designated areas should be managed, it is important to recognize that the mining claimant can exercise their statutory right, under the General Mining Law of 1872, to qualify for certain exceptions. Twin Sisters Olivine qualifies for certain exceptions within its designation of being an Inventoried Roadless Area. The 2001 Roadless Rule (36 CFR Part 294, 2001) prohibits road construction or reconstruction in Inventoried Roadless Areas, but allows “road access [if] needed pursuant to reserved or outstanding rights or as provided by statute or treaty.” The General Mining Law of 1872 allows Twin Sisters Olivine to seek this approval from the Responsible Official. Although road building is an exemption for mining in the roadless rule there will in fact be no new road building for this project.

**Best Management Practices & Management Requirements**

This section discusses the Best Management Practices (BMPS) and management requirements that will be followed in conjunction with the proposed project to mitigate impacts to surface resources. These practices and requirements are mandatory upon implementation of the Selected Alternative.

The BMPs and management requirements for the proposed Plan of Operations renewal and expansion are an integral part of the Selected Alternative, and are considered in the effects analysis in Chapter 3 of the EA. For the entire project area, the Selected Alternative would implement the following Best Management Practices and/or requirements provided in the table below.
<table>
<thead>
<tr>
<th>BMP/Management Requirement</th>
<th>Target Resource and Objective</th>
<th>Applicable Standard/Guideline</th>
<th>Responsible Agency/Official</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fish and Water Resources</strong></td>
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<tr>
<td>Comply with all requirements and maintain a copy of the interagency Memorandum of Understanding (MOU) between the State of Washington and the U.S. Government requiring environmental management and reclamation of Forest Service-administered Federal Lands subject to mining activities.</td>
<td>National Forest Land and Associated Land and Water Quality: Preserve designated watershed areas and forest through the identification of environmental impacts that will occur; develop measures to avoid, minimize or mitigate adverse effects to resources (soil, water quality, riparian reserves, etc).</td>
<td>MOU (See Note 1); National Best Management Practices for Water Quality Management on National Forest System Lands for Min-3. Minerals Production (See Note 2)</td>
<td>DNR USFS</td>
</tr>
<tr>
<td>Minimize erosion and sediment delivery to streams and wetlands. During implementation, reduce sedimentation by use of erosion control methods and BMPs such as vegetative buffers alongside streams, silt or filter fabric, silt or filter fencing, straw bales, temporary settling ponds, and rain cover.</td>
<td>Surface Water Quality: Protect and minimize impacts to nearby streams and to identify suitable measures to avoid impacts to waterbodies, riparian areas, and wetland habitats through appropriate location design, operation, and reclamation requirements.</td>
<td>See Note 2 (For Min-3. Minerals Operation); Stormwater General Permit (See Note 3); Best Management Practices Guidance for Surface Mines (See Note 4)</td>
<td>Washington Dept. of Ecology (Ecology); DNR USFS</td>
</tr>
<tr>
<td>Design on-site road drainage features to hydrologically disconnect road surface runoff from stream channels and wetland areas. Cross-drains or water bars will be installed on any new roads.</td>
<td>Surface Water Quality: Protect and minimize impacts to nearby streams.</td>
<td>See Note 2 (For Road-4. Road Operation and Maintenance) - 4</td>
<td>Ecology DNR USFS</td>
</tr>
<tr>
<td>Constructed within proposed expansion area.</td>
<td>Surface Water Quality: Reduce surface-disturbing activities to the minimum necessary for efficient minerals production activities during periods of heavy runoff to decrease soil compaction and erosion.</td>
<td>See Note 2 (For Min-3. Minerals Production)</td>
<td>USFS</td>
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<tr>
<td>Operations would take place 2 months out of the year during the dry season/low rainfall period (summer).</td>
<td>Surface Water Quality: Protect and minimize impacts to nearby streams.</td>
<td>See Notes 2 (For Min-3. Minerals Production) - 4</td>
<td>Ecology DNR USFS</td>
</tr>
<tr>
<td>Dispose of fill waste material generated from implementation at a stable location out of the flood prone area. Ensure that the waste material is disposed of in a location that will not result in erosion and sedimentation or cause roadway runoff drainage problems.</td>
<td>Surface Water Quality: Conduct operations in such a manner as to avoid or minimize the production and transport of fugitive dust from site.</td>
<td>See Note 2 (For Min-3. Minerals Production)</td>
<td>USFS</td>
</tr>
<tr>
<td>A mist of water is used for dust suppression during the crushing process. Water is sourced from the stormwater retention ponds on site. The water is sprayed on the crushing equipment during operation.</td>
<td>Surface Water Quality: Protect and minimize impacts to nearby streams.</td>
<td>See Note 2 (For Road-10. Equipment)</td>
<td>Ecology USFS</td>
</tr>
<tr>
<td>Supplies and equipment onsite for any temporary fuel stored on forestlands in association with this project. Covered in Stormwater Management Plan.</td>
<td>Soil and Groundwater Quality: prevent contamination from releases of petroleum and other contaminants.</td>
<td>Refueling and Servicing) - 4</td>
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<tr>
<td>Fueling of machinery shall occur out of the limited Riparian Reserve area, at minimum 100-feet away from the seasonal channel that exists in the expansion area.</td>
<td>Surface Water Quality: Protect and minimize impacts to nearby streams. Soil and Groundwater Quality: Prevent contamination from releases of petroleum and other contaminants.</td>
<td>See Note 2 (For Road-10. Equipment Refueling and Servicing) - 4</td>
<td>Ecology USFS</td>
</tr>
<tr>
<td>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 commencement of or continuing work.</td>
<td>Surface Water Quality: Protect and minimize impacts to nearby streams. Soil and Groundwater Quality: Prevent contamination from releases of petroleum and other contaminants.</td>
<td>See Note 2 (For Road-10. Equipment Refueling and Servicing) and 3</td>
<td>Ecology</td>
</tr>
<tr>
<td>Repairs to machinery or service vehicles shall be conducted at a location where impacts to adjacent surface waters are minimized. The location would be at minimum 100-feet from the seasonal channel that exists within the expansion site.</td>
<td>Surface Water Quality: Protect and minimize impacts to nearby streams.</td>
<td>See Notes 2 (For Road-10. Equipment Refueling and Servicing) and 3</td>
<td>USFS Ecology</td>
</tr>
</tbody>
</table>
When blasting, more than a 600-foot buffer would be in place between where fish are documented and where blasting would occur within the expansion site. This would exceed the safe distance required to keep fish safe.

**Fish**
- Protect and minimize impacts to fish from blasting.
  - Fish: Protect and minimize impacts to fish from blasting.
  - MBSNF Blasting Guidelines (See Note 5)
  - USFS

**Vegetation**
- Mineral related activities will be administered in compliance with all appropriate laws, regulations and Forest Service policy concerning wilderness management and the mining and mineral leasing laws.
  - Wilderness: Minimize adverse impacts to wilderness areas.
  - See Note 6
  - USFS

- Designated reclamation areas will be seeded with the appropriate local native species or the Mt. Baker-Snoqualmie National Forest non-native / non-persistent seed mix and covered with certified weed free straw or mulch after ground-disturbing work has been completed and prior to the onset of the wet season.
  - Vegetation: Preserve existing plant community and minimize introduction and occurrence of invasive species to the maximum extent practical.
  - See Notes 3 and 4
  - DNR
  - USFS

- All material brought into the project area such as rock, mulch, straw, seed, soil, etc. must be certified weed free.
  - Vegetation: Prevent the introduction of invasive plants to the extent possible.
  - Mt. Baker-Snoqualmie National Forest Land and Resource Management Plan (See Note 6)
  - USFS
<table>
<thead>
<tr>
<th>Revegetate all areas of bare soil exposed by project activities (with genetically appropriate native species) if there is a risk of noxious weed invasion.</th>
<th>Vegetation: Enhance existing native plants, maintain indigenous plant profile, and minimize invasive plant species colonization and proliferation.</th>
<th>See Notes 3 and 4</th>
<th>DNR USFS</th>
</tr>
</thead>
<tbody>
<tr>
<td>If a rare plant is found within the project area, work is halted and the USFS botanist is notified.</td>
<td>Vegetation: Enhance existing native plants and maintain indigenous plant profile.</td>
<td>See Note 6</td>
<td>USFS</td>
</tr>
<tr>
<td>Treat known noxious weed infestation before ground disturbance begins. To be effective wait 2 weeks between treatment and commencement of ground disturbance.</td>
<td>Vegetation: Control invasive species to the maximum extent practicable.</td>
<td>See Note 6</td>
<td>USFS</td>
</tr>
<tr>
<td>All equipment that will operate outside of the road prism requires cleaning prior to entering National Forest System Lands.</td>
<td>Vegetation: Preserve existing plant community and minimize introduction and occurrence of invasive species to the maximum extent possible.</td>
<td>See Note 6</td>
<td>USFS</td>
</tr>
</tbody>
</table>

**Heritage**

| If cultural items or non-recent human skeletal remains, specified in the Native American Graves Protection and Repatriation Act (NAGPRA), are discovered, stop work and secure find. Make appropriate notification & adhere to regulatory | Cultural resources: Protect non-recent human skeletal remains and ‘cultural items’, as defined in NAGPRA. | Native American Graves Protection and Repatriation Act (see Note 6) | Whatcom County Medical Examiner Whatcom County Sheriff USFS |
process following NAGPRA protocols.

If a previously unidentified resource is discovered during implementation, or if an identified resource is affected in an unanticipated way, stop work & secure find; notify Forest Service Heritage Specialist and adhere to NAGPRA protocols.

<table>
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<tr>
<th>Wildlife</th>
<th>Cultural resources: Protect non-recent human skeletal remains and ‘cultural items’, as defined in NAGPRA.</th>
<th>See Note 6</th>
<th>USFS</th>
</tr>
</thead>
</table>

**Wildlife**

Implement revegetation strategy to return site to conditions prior to commencement of quarry operations and to restore wildlife habitat.

Wildlife: Restore wildlife habitat.

Revegetation Plan (See Note 8) Twin Sisters Olivine

Withhold harvest operations from March 1<sup>st</sup> – September 23<sup>rd</sup>.

Wildlife: Protect annual nesting season for raptors and migratory birds.

USDI 2002 Biological Opinion (See Note 9) and USDI 2012 (See Note 10) USFS
Table Notes


5. Mt. Baker-Snoqualmie Blasting Guidelines for Protection for Fish by USFWS (Marc Whisler, Joe Hiss) and NMFS (Joel Moribe). 31 Jan. 2007. PDF.


Purpose and Need

The purpose of this action is bolded below followed by the description of the need.

The purpose for this project is to minimize adverse environmental impacts to surface resources by regulating impacts connected with the quarry’s plan to remove locatable minerals from National Forest System lands.

The need for the Forest Service to take this action is to comply with the legal requirements that respond to the claimant’s reasonable Plan of Operations, and to ensure that “operations are conducted so as, where feasible, to minimize adverse environmental impacts on National Forest surface resources” (36 CFR 228.4, 1974). It is important to note this action also complies with the legal requirements the claimant needs to fulfill to update their DNR State and County Surface Reclamation Permits (78 RCW, 1971).

Issues Addressed

I reviewed the comments provided by scoping and comment respondents and Tribes, as well as the input from the interdisciplinary (ID) team assigned to the project, to determine whether there were key issues. Four key issues were identified during the scoping and comment periods (highlighted in bold) followed with an explanation as to why they did not contribute to the development of new alternatives:

1. **Impacts to Inventoried Roadless areas: Project could violate the Roadless Area Conservation Rule of 2001.** The 2001 Roadless Area Rule includes exceptions for the General Mining Law of 1872, which grants a statutory right for access to locatable minerals on National Forest System lands.

2. **Impacts to City of Bellingham Municipal Watershed: Project could threaten clean and safe drinking water.** There are no discharge areas within the quarry or proposed expansion site that could contaminate drinking water. A Stormwater Management Plan is also in place that further protects the watershed from sedimentation.

3. **Impacts to Fish and Wildlife: Project could impact fish habitat from sedimentation and releasing of minerals, and the project could destroy wildlife habitat.** No discharge areas into Mae Creek or the seasonal channel exist (the only tributaries that exist near and within the expansion area) and no Threatened, Endangered, and Sensitive Species (TE&S) are present within the affected environment. For any alternative considered, proper consultation with U.S. Fish and Wildlife Service and National Marine Fisheries Service would occur when needed, and set mitigation measures would be implemented to safeguard species and their habitat.

4. **Impacts to Old Growth: Project could destroy old-growth forest.** Consultation with Forest Service specialists confirmed that no old growth structure exists within the project
site, only late-successional forest. Also, it is important to note vegetation exists on “matrix” lands. According to the standards and guidelines from the 1994 Northwest Forest Plan, as amended, vegetation in matrix areas are not protected by the same standards and guidelines that protect vegetation in late-successional reserves or managed late-successional reserves. Instead, matrix land is allocated to allow timber harvest and silvicultural activities on National Forests.

The BMPs and management requirements that have been included were expanded and developed to address these key issues, as well as provide mitigation measures for additional environmental concerns.

Other Alternatives Considered

I did not find a need to analyze any action alternative to the Proposed Action. There are no unresolved conflicts concerning alternative uses of available resources that warrant consideration of additional alternatives (see 36 CFR 220.7(b) (2)). Therefore, no alternatives beyond the proposed action are considered in this EA.

Rationale for the Decision

I chose the Proposed Action as the Selected Alternative because it meets the stated purpose and need, as outlined above. I also considered public comments received during the 30-day pre-decisional comment period (June 8 – July 8, 2017) in making my decision. 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 to any resources were identified in the EA.

Forest Plan Consistency

I have reviewed the EA, including the environmental effects and Forest Plan consistency sections, for each affected resource (Chapter 3 of the EA). I find the Selected Alternative to be consistent with the goals, objectives, and 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.

Public Involvement

On September 8, 2016, public scoping and comment notices were emailed and mailed to interested citizens, groups, industry, and agencies on the Mt. Baker Ranger District mailing list. Copies of these documents can be obtained from the Project Record (refer to Chapter 1.8 for more information on the Project Record). The District received 82 public comments on the proposed project.
On June 8th, 2017, the Forest Service posted the Draft Environmental Assessment (DEA) on the Forest Service website and sent the DEA out to interested agencies, organizations, and individuals on their mailing list. A legal notice was also published in the Skagit Valley Herald’s classified section inviting comments on the proposed action and DEA. The District received 28 public comments on the proposed project. A summary of the pre-decisional comments and Forest Service response can be found in the project record.

I have reviewed the comments received from the public during scoping and the pre-decisional EA comment period in preparing this decision.

**Tribal Consultation**

The Forest Plan, pp. 4-97, directs that the MBS “present information about planned projects in all management areas (i.e. protected and otherwise) to religious and political leaders of Tribal groups whose traditional practices might be affected.” The Forest Service provided the opportunity for involvement in the NEPA process via Government-to-Government consultation to the Nooksack Indian Tribal Council, Lummi Indian Business Council, Samish Tribe, Sauk-Suiattle Tribal Council, Skagit River System Cooperative, Stillaguamish Board of Directors, Swinomish Tribal Community, Tulalip Board of Directors, and the Upper Skagit Tribal Council. The following consultation took place:

- On August 23, 2016, Tribal consultation notices for the scoping period were mailed out to local Tribes (Nooksack, Swinomish, Samish, Lummi, Stillaguamish, Upper Skagit, Tulalip, Skagit River System Co-op, and Sauk-Suiattle). The District received one tribal comment on the proposed project.
- On October 11, 2016, the principal of Kulshan Services conducted a site visit with officials from the Nooksack Tribe’s Natural Resource Department to review the proposed expansion area and discuss any concerns related to the project.
- On February 15, 2017, the District Ranger met with officials from the Lummi Nation to consult on the Swen Larsen Quarry project.
- On February 16, 2017, the District Ranger met with officials from the Nooksack Tribe to consult on the Swen Larsen Quarry project.
- On June 2, 2017, Tribal consultation notices for the comment period were mailed out to local tribes (Nooksack, Swinomish, Samish, Lummi, Stillaguamish, Upper Skagit, Tulalip, Skagit River System Co-op, and Sauk-Suiattle). The District received one tribal comment on the proposed project.
FINDING OF NO SIGNIFICANT IMPACT

I have evaluated the effects of the project relative to the definition of significance established by the 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 (EIS) will be prepared. My rationale for this finding follows, organized by sub-section 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 Proposed Action effectively addresses the stated purpose and need for the project (see Rationale for Decision, above) and is likely to achieve the anticipated benefits. I assessed the anticipated adverse environmental effects of the Selected Alternative, as detailed in Chapter 3 of the EA, in terms of context and intensity, and I found them to be localized, minor, and in most cases non-existent (EA Chapter 3, Environmental Effects to all resources).

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

My decision will not adversely affect public health or safety. The inclusion of mandatory requirements provided in the Swen Larsen Stormwater Management Plan, to monitor water quality, to mitigate erosion and sediment discharge, and to implement a spill prevention plan, will help to maintain public health and safety levels in the project area. (EA Appendix A, Swen Larsen Stormwater Management Plan).

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)].

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. 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. See Cultural Resources in Chapter 3 of the EA (pp. 70-71).

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)].
The effects of the action on the quality of the human environment are not controversial. Public comments on the EA did not indicate scientific controversy over the nature of effects. The effects of the Selected Alternative are well understood and documented in Chapter 3 of the EA (pp. 30 - 85).

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

My review of Chapter 3 of the EA and supporting documentation indicates that the possible environmental effects of implementing the Selected Alternative are typical in a project of this type. The possible effects on the human environment do not involve any highly uncertain, unique, or unknown risks. The effects on water and soil components are disclosed in Chapter 3 (pp. 49–56), as are effects on wildlife components (pp. 56–70). They are based on sound scientific research, as well as previous experience in the watershed and on the Forest. The effects on human components are clearly disclosed in the EA (pp. 70 - 80).

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)].

Direct effects are defined as those occurring at the same time and same place as the proposed action. These actions do not set a precedent for future actions because they are similar to actions implemented in the past. Quarry operations are already occurring within the existing project area. Activities that take place in the proposed action area, are consistent with past actions authorized to mine claimants under the General Mining Law of 1872.

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 described in detail in each resource-specific section of Chapter 3 of the EA (pp. 30–85). No significant cumulative effects associated with implementation of the Selected Alternative are identified in that chapter 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 Selected Alternative will have no effect to historic properties (EA p. 70 - 71). Per 36 CFR 800.3(a)(1) the undertaking is a type of activity that does not have the potential to cause effects on historic properties. The Forest Service has no further obligations under Section 106.
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)].

**Plants.** No federally threatened, endangered, or sensitive plants have been identified in the proposed expansion area. The Rare Botanical Assessment conducted in 2008 by Wetlands Incorporated confirmed there are no Threatened, Endangered, or Sensitive plants within the expansion site. Thus, it is concluded that the Selected Alternative will have *no effect* on federally listed plant species.

**Wildlife.** Consultation with U.S. Fish and Wildlife Service on the effects of the Swen Larsen Quarry Expansion Project on federally listed species and designated critical habitats was completed and we received the biological opinion. The effects determination for northern spotted owl is *likely to adversely affect* because suitable habitat for the spotted owl would be reduced. The effects determination for the gray wolf and grizzly bear is *may affect, but not likely to adversely effect*, because wolves may be present during operations and grizzly core habitat would be reduced. All other effect determination for listed species and their habitat were listed as “**No Effect**” (EA p. 56-70).

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 documents, 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 guidance for National Forest planning and management. As required by NFMA regulations, I find that this project will be consistent with the MBS Forest Plan, as amended. Chapter 3 of the EA contains the Forest Plan consistency analysis for each resource affected by the Selective Alternative.

It was determined that this project would not affect the following terrestrial management indicator species (MIS) or their habitat, as identified by NFMA requirement: American peregrine falcon, bald eagle, mountain goat, American marten, pileated woodpecker, and other cavity nesters (EA pp. 66 - 67). For spotted owl, grizzly and gray wolf refer to Question 10 above. Therefore, the project will not contribute a negative trend in the viability of these species on the Mt. Baker-Snoqualmie National Forest.

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. The specific public comments received and Tribal consultation
conducted during the comment periods did not raise any question about such concerns with this project.

**Findings Required By Other Laws and Regulations**
I have reviewed each resource-specific section in Chapter 3 of the EA and determined that each addresses compliance with all applicable laws and regulations. A section titled “Other Environmental Components” in Chapter 3 of the EA confirms compliance with laws and regulations associated with air quality; environmental justice; floodplains; hazardous substances; irreversible and irretrievable commitment of resources; potential conflicts with plans and policies of other jurisdictions; prime forestland, prime farmland, rangeland, etc.; wetlands; and other issues (e.g. climate change, noise) (pp. 80 - 85).

**Predecisional Administrative Review Process (Objection)**
This decision is subject to a pre-decisional administrative review process, also called the “objection process”, pursuant to 36 CFR 218, subparts A & B. Objections can be submitted in several forms, but must be received by the Reviewing Officer within 45 days of the day following the publication date of the legal notice of opportunity to object in *The Skagit Valley Herald* (the newspaper of record), in Sedro-Woolley, Washington. The publication date is the exclusive means for calculating the time to file an objection. Those wishing to file an objection to this decision should not rely upon dates or timeframe information provided by any other source.

Objections will be accepted only from those who have previously submitted specific written comments regarding the proposed project during a designated opportunity for public comment in accordance with 36 CFR 218.5. Incorporation of documents by reference is permitted only as provided for in 36 CFR 318.8(b).

Minimum requirements of an objection are described at 36 CFR 218.8(d). An objection must include: the objectors name and address with a telephone number, if available; a signature or other verification of authorship; the name of the proposed project, the name and title of the responsible official, and the name of the national forest or ranger district on which the proposed project will be implemented; a description of those aspects of the proposed project addressed by the objection, including 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 particular proposed project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunities for comment.

Objections may be delivered by any of the following methods.

**Mail:** Deputy Forest Supervisor, Objection Reviewing Officer, USDA Forest Service, Mt. Baker-Snoqualmie National Forest, 2930 Wetmore Ave., Suite 3A, Everett, WA 98201.
Hand delivery: Mt. Baker-Snoqualmie National Forest, Attn. 1570 Appeals and Objections, 2930 Wetmore Ave., Suite 3A, Everett, WA 98201. Hand deliveries can occur between 8:00 AM and 4:30 PM, Monday through Friday except legal holidays.

Fax: Deputy Forest Supervisor, Attn: 1570 Objections at (425) 783-0141. Please include a subject line with “Swen Larsen Quarry Expansion Project” on the fax coversheet and specify the number of pages being submitted.

Email: objections-pnw-mtbaker-snoqualmie@fs.fed.us, with “Swen Larsen Quarry Expansion Project” in the subject line. Electronic submissions must be submitted in a format that is readable with optical character recognition software (e.g., MS Word, PDF, Rich Text Format) and be searchable. An automated response should confirm your electronic objection has been received.

Project Implementation
If no objections are filed within the 45-day time period, this DN may be signed after the 5th business day from the close of the objection filing period and project implementation may begin immediately. If one or more objections is filed, there will be a 45-day objection response period. The final DN may be signed, and the project implemented, after the close of this period and when all objections are heard.

Contacts
For further information, contact Erin Uloth, District Ranger, (360) 854-2601; or Todd Griffin, ID Team Leader, (425) 783-6033.

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ERIN ULOTH
District Ranger
Mt. Baker Ranger District
Mt. Baker-Snoqualmie National Forest
Figure 1: Swen Larsen Quarry Expansion Project Proposed Action Map