



Finding of Applicability and No Extraordinary Circumstances Tenas Creek Restoration Project

USDA Forest Service
Darrington Ranger District
Snohomish County, WA

Background

Tenas Creek supports an estimated 17% of the Suiattle River Spring Chinook population, a high-priority population for the recovery of Puget Sound Chinook fishery. Chinook habitat in Tenas Creek is currently limited by the Suiattle River Road (FSR 26). The road crosses an undersized bridge which, when originally constructed, channelized the creek, and installed an 800-foot rip rap levee along the east side of the bank. This stretch of Tenas Creek became disconnected from approximately 4.5 acres of historic floodplain that is highly valuable spawning and rearing habitat for Chinook salmon. In-stream aquatic habitat was left in a state of degradation and non-function, with levee erosion now being a new concern. Without action, erosion of the levee is likely to continue, leading to potential road washout and increased habitat degradation.

Likewise, if damage to the Suiattle River Road occurred, it would disrupt access to high-value National Forest System lands with no other safe means of ingress or egress. Some impacted access uses would include important cultural sites for the Sauk-Suiattle Tribe, trailheads providing access to the Pacific Crest Trail, popular developed and dispersed recreation sites, a historic fire lookout, and other administrative needs.

The Skagit River System Cooperative (SRSC), on behalf of the Sauk-Suiattle Indian Tribe and the Swinomish Indian Tribal Community, are primary project proponents.

Proposed Action and Resource Conditions

This project proposes restoring natural fluvial and geomorphic processes; the restoration of these processes would lead to improvement of critical habitat for Endangered Species Act (ESA)-listed Chinook salmon and other native fishes in lower Tenas Creek. In addition, the project would provide a long-term ecologically sustainable and structurally resilient transportation corridor that accesses important Tribal resources and National Forest recreational sites.

Two options were considered:

- Option 1 – Maintain the current road alignment and the current 80-foot bridge. Remove riprap levees from the floodplain, remove two existing culverts, reconnect the floodplain in the immediate vicinity of the FSR 26, and add an additional 360-foot bridge span on the eastern two thirds of the floodplain.

- Option 2 – Completely remove the current road, bridge and fill. Reroute FSR 26 up valley where the Tenas Creek floodplain is substantially narrower. A new bridge would be constructed (120- 240-foot span) and a new road built through a section of DNR land that ties into a lower segment of FSR 2660. FSR 2660 would then be upgraded to become the new FSR 26. After removing the road from the floodplain, the unnecessary sections of the old road would likely be decommissioned.

Option 1 (see Figure 1) has been chosen as the final proposed action for this project as Option 1 will reduce ground disturbance and other terrestrial impacts compared to Option 2. Final designs include a lateral control structure made of logs on the eastern road edge. During construction, a temporary bypass may be maintained to allow administrative and public access further up the Suiattle River Road, FSR 26. Native conifers and other understory species will be planted and logs/boulders will be installed underneath the proposed bridge post constructure as part of riparian restoration efforts.

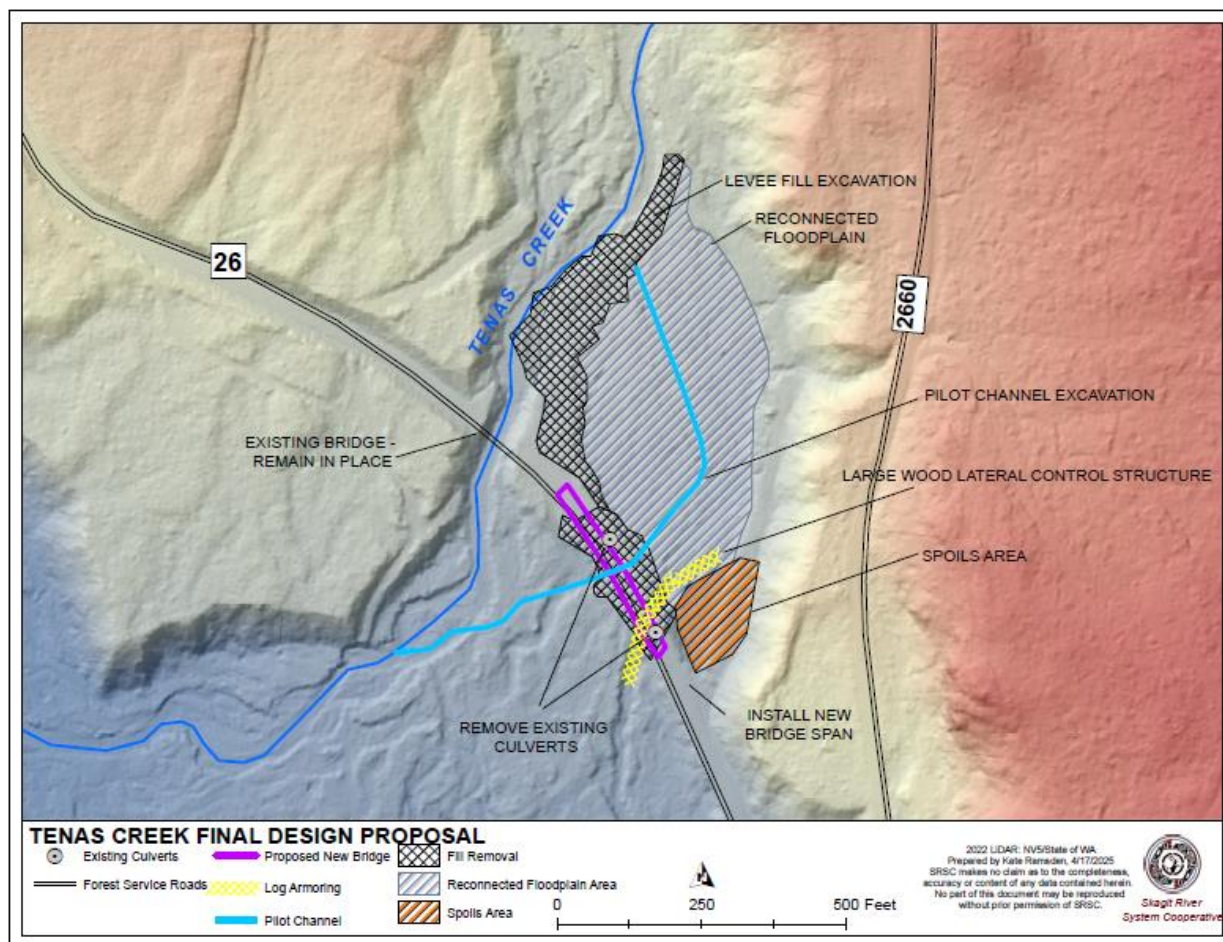


Figure 1. Tenas Creek Restoration Project Final Design

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as 7 CFR 1b.4(d)(40): *Restoring wetlands, streams, riparian areas or other*

water bodies by removing, replacing, or modifying water control structures such as, but not limited to, dams, levees, dikes, ditches, culverts, pipes, drainage tiles, valves, gates, and fencing, to allow waters to flow into natural channels and floodplains and restore natural flow regimes to the extent practicable where valid existing rights or special use authorizations are not unilaterally altered or canceled. This category of action(s) is applicable because the proposed action would restore natural fluvial and geomorphic processes, improving critical habitat for ESA-listed Chinook salmon in lower Tenas Creek and preventing further degradation of habitat due to levee erosion.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- **Federally listed threatened or endangered species or designated critical habitat or species proposed for Federal listing or proposed critical habitat –**
 - Wildlife: It has been determined that the Tenas Creek Restoration Project **may affect, but not likely to adversely affect (NLAA)** northern spotted owl and marbled murrelet. These species may be impacted by minor, temporary increases in noise or activity, these effects would be mitigated through implementation of noise-reduction measures. It has been determined that the Tenas Creek Restoration Project will have **No Effect (NE)** on gray wolf, wolverine, white-tailed ptarmigan and yellow-billed cuckoo. It has been determined that the Tenas Creek Restoration Project **may affect, but not likely to adversely affect (NLAA)** proposed/candidate species Suckley's cuckoo bumble bee and western bumble bee; and will have **No Effect (NE)** on monarch butterfly.
 - Botany: It has been determined that the Tenas Creek Restoration Project will have **No Effect (NE)** on whitebark pine.
 - Fisheries: It has been determined that the Tenas Creek Restoration Project **may affect and is likely to adversely affect (LAA)** Puget Sound (PS) Chinook salmon, PS steelhead trout and bull trout and their designated critical habitat through direct impacts to individual fish and their habitat. These adverse effects are expected to be temporary; the project is intended to have long-term benefits for aquatic species and their habitat.
- **Flood plains, wetlands, or other such sensitive areas –** the project restores floodplain and riparian processes. The project incorporates construction conservation measures and best management practices to limit short-term negative effects from implementation.
- **Special sources of water, such as sole-source aquifers, wellhead protection areas, municipal watersheds, or other water sources that are vital in a region –** the project does not involve and will not impact any special sources of water.

- **Areas having formal Federal or State designations, such as wilderness areas, parks, wild and scenic rivers, marine sanctuaries, national natural landmarks, inventoried roadless areas, or national recreation areas** – the project is within the Skagit Wild and Scenic River System and is in keeping with all Outstandingly Remarkable Values for the River.
- **Specially managed areas, such as designated research or experimental areas (research natural areas)** – the project is not within and will not impact any specially managed areas.
- **Prime, unique, or important farmland as defined by and subject to the provisions of the Farm Protection Policy Act** – the project will not impact any farmlands.
- **Property of historic, archaeological, or architectural significance, as designated by Federal, Tribal, State, or local governments, or property eligible for listing on the National Register of Historic Places** – One cultural resource, 45SK00680, was identified within the project Area of Potential Effect (APE) and determined to be not eligible for the National Register of Historic Places (NRHP). The Tenas Creek Bridge, although older than 50 years, falls under the definition of a “common bridge” in accordance with the *Program Comment Issued for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges*. The bridge is considered not eligible for the NRHP, thus its removal will have no effect to historic properties. Therefore, this project overall is not expected to have any effects on historic properties.
- **American Indian and Alaska Native religious or cultural sites** – Though not located during project specific heritage surveys, bark-peeled trees may exist in the project area. Project Design Criteria for the discovery of such trees has been incorporated into the project (Appendix A). This project overall is not expected to have any effects on American Indian and Alaska Native religious or cultural sites.

All Project Mitigations and Design Criteria are in Appendix A: Project Design Criteria, at the end of this document.

Tribal Consultation

The Sauk-Suiattle Indian Tribe, Stillaguamish Tribe of Indians, Swinomish Indian Tribal Community, Tulalip Tribes, and Upper Skagit Indian Tribe were consulted about this proposal and their input was considered in the development of the final action. The Sauk-Suiattle Indian Tribe and the Swinomish Indian Tribal Community (via Skagit River System Cooperative) are the primary project proponents. Other proponents of the project include the Upper Skagit Indian Tribe.

Public Involvement

This action was originally listed as a proposal on the Mt. Baker-Snoqualmie National Forest Schedule of Proposed Actions on August 5, 2022, and was later scoped on April 2, 2025. No substantive comments were received from scoping. Co-proponents of the project (with our Tribal partners) include Seattle City Light, Washington State Department of Natural Resources, and the Bureau of Indian Affairs.

Findings Required by Other Laws and Regulations

This proposal is consistent with the 1990 Mt. Baker-Snoqualmie National Forest Land and Resource Management Plan as amended by the April 13, 1994 Record of Decision for Management of Habitat for Late Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl. The project was designed in conformance with these management plans and all of their standards and guidelines, including the Aquatic Conservation Strategy.

The Clean Water Act of 1948 (as amended in 1972 and 1987) establishes as federal policy for the control of point and non-point source pollution and assigns the States the primary regulatory authority for enforcing the Act. Clean Water Act compliance will be achieved through the application of effective best management practices (BMPs) (USDA 2012). All activities are designed to protect water quality and aquatic resources through the use of BMPs, which are the primary mechanism to enable the achievement of state water quality standards and minimize non-point impacts.

The responsible official and/or applicable specialist(s) have determined the proposed action is in compliance with the following Executive Orders (EO), which were deemed pertinent based on the nature of the proposal:

EO 11988, Floodplain Management – requires determination of action occurring in a floodplain, using HUD floodplain map or more detailed map if available.

- See above for information related to project restoration of and short-term impacts on floodplains.

EO 11990, Protection of Wetlands – avoid actions within wetlands unless there are no practical alternatives, and the action includes all practicable means to minimize harm to wetlands.

- The project does not include construction elements within wetlands.

EO 13007, Indian Sacred Sites – avoid adversely affecting the physical integrity of these sites.

- See Tribal Consultation section above for details on concurrence with this EO.

EO 13175, Consultation and Coordination with Indian Tribal Governments- agencies consult with Indian tribes and respect tribal sovereignty as they develop policy on issues that impact Indian communities.

- See Tribal Consultation section above for details on concurrence with this EO.

EO 13112, Invasive Species – prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.

- See Project Design Criteria in Appendix A for invasive species prevention measures.

EO 13186, Migratory Birds – identify actions that may have a measurable negative effect on migratory bird populations.

- Project will not impact migratory bird populations.

Administrative Review and Implementation

This finding is not subject to administrative appeal. Implementation of the proposed action may occur immediately following the signature date of this Finding of Applicability and No Extraordinary Circumstances.

Contact

For additional information concerning this finding, contact: Richard Vacirca, Forest Fisheries Program Manager, at Richard.vacirca@usda.gov.

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Darrington District Ranger

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Appendix A: Project Design Criteria

Wildlife:

- Manage food and trash daily to avoid attracting corvids or bears.
- Retain existing down wood on site.
- Wash equipment before arriving on site to minimize transfer of invasives species or chytrid fungus.
- Operations to be within crepuscular hours; activities commence 2 hours after sunrise to 2 hours before sunset.
- Blasting, drilling, crushing operations (used in debris removal, rock quarry blasting, etc.), and pile-driving will not occur within injury distance of suitable nesting habitat during the entire breeding seasons (Appendix C) for the spotted owl and marbled8 murrelet.
- Blasting, drilling, crushing operations (used in debris removal, rock quarry blasting, etc.), and pile-driving will not occur within injury distance of suitable nesting habitat (Northern Spotted Owl/NSO and Marbled Murrelet/ MAMU) during the entire breeding seasons (March 1st – September 30th, NSO April 1st-September 23rd MAMU).

Blasting will follow Blasting Guidelines for Protection of Wildlife:

- Do not use explosives during the period of 2 hours before sunset until 2 hours after sunrise.
- Do not use surface shots.
- Cover detonator cord on the surface, when used, with a minimum of 6" of fill.
- All shots should be fired in predrilled or dug holes that are small in diameter, shallow, and properly stemmed or back filled.
- Place sandbags or other fill over loaded holes, over each shot to increase stemming.
- All holes will be individually primed with electric blasting cap or NONEL blasting cap (noiseless and preferred, but slightly more expensive).
- In multiple hole shots:
 - No two holes side by side will be fired simultaneously.
 - Blasting caps with millisecond delay will be used.
 - At least 50 milliseconds of delay will be used between holes.
- To limit the total amount of charge going off at any point in time, calculate the weight of explosive per delay per distance using the following formula derived from the U.S. Office o Surface Mining surface coal mining protective regulations: $W(\text{weight}) = D(\text{distance})^2 / 4000$.
- Do not exceed a powder factor of 1/2 pound of explosives per cubic yard of solid rock. Do not exceed 1/4 pound per cubic yard of explosive when air gapping boulders. For tree cutting, use $W(\text{weight of explosive}) = 0.004 D^2$. For stump, use 1 pound per foot diameter at ground level.
- Do not overload holes, and do not use detonating cord.

Fisheries:

- Follow all requirements/provisions/certification procedures in the WDFW HPA, Project Design Criteria (general and activity specific) for ARBO II ESA Consultation and USACE RGP-8 404 permits. For ARBO II, refer to activity types “Large Wood, Boulder, and Gravel Placement; “Set-back or Removal of Existing Berms, Dikes, and Levees”; and “Channel Reconstruction/Relocation”.
- Implement Best Management Practices (BMPs) during construction to limit sedimentation and pollution sources. Confine/isolate petroleum-based gas/oil, lubricants, hydraulic fluid and other liquids/fluids used on-site away from streams and wet areas (including heavy equipment refueling and maintenance).
- Conduct fish rescue/salvage operations in areas directly/indirectly influenced by in-water work related isolation and/or dewatering areas. Fish rescue/salvage will follow NMFS Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act (2000).
- Plant and stabilize disturbed areas after heavy equipment use phases of construction. Ensure planting of key areas of the new channel and reconnected floodplain to help recover native riparian vegetation.

Invasive Species:

- Any vehicles, tools, or heavy equipment used for ground disturbing work must be washed of soil and plant material prior to arriving on the MBSNF and before leaving the project area to reduce the spread of weeds.
- Work from lightly infested areas to highly infested areas and/or from high elevation to low elevation, if possible, to further reduce the spread of weeds.
- Any imported material must be inspected and certified for weeds prior to being brought onto the Forest. Requests for inspections for commercial rock, gravel, and sand sources must be sent to the Forest Invasive Species Coordinator no less than 3 weeks prior to being imported onto the Forest and before May 1st each calendar year.
- Any straw, hay, or mulch being brought onto the Forest must come from a source that has been certified by the Washington Weed Free Hay and Mulch Program (WWHAM). No topsoil or compost will be permitted for importation onto the MBS for use within river/creek floodplains or riparian areas.

Scenery/Visuals

- All metal surfaces (guardrails, railings etc.) should avoid reflective coatings. Galvanized steel should be avoided. Specifications for Natina™ or similar natural tempering of metallic elements is advised.
- Natural toned brown pigments to darken concrete components shall be indicated.
- Creek banks should be revegetated within 1 year of construction.

- Revegetation of the creek banks should be done in consultation with the Forest Botanist to assure correct plant selection and density of planting to replace riparian vegetation.
- All construction landings, fabrics, erosion mats, or sediment basin traps associated with construction shall be removed immediately following the end of work.

Heritage:

- Any person implementing this action shall comply with the provisions of the Mt. Baker-Snoqualmie National Forest Inadvertent Discovery Plan for Cultural Resources developed for this undertaking, and the Native American Graves Protection and Repatriation Act (NAGPRA) Protocol.
- If a previously unidentified cultural resource is discovered during implementation, or if an identified cultural resource is affected in an unanticipated way, stop work & secure find; notify FS Heritage Specialist and follow inadvertent discovery protocols.
- If human remains are discovered all work must stop in the area of the discovery and NAGPRA protocols must be followed.
- If bark-peeled trees are observed, they should be avoided. If they cannot be avoided, a Sauk-Suiattle Tribe Representative should be given the opportunity to visit the site with a representative from the Skagit River System Cooperative.