

# **EXECUTIVE SUMMARY**

## **Land Management Needs Assessment**

### **US ISSUES**

#### **1) Timber Harvest:**

- The only area open to logging in the US Skagit is the corridor of national forest land within the Mt. Baker-Snoqualmie National Forest, bounded by Canyon Creek and Highway 20 in the southeastern portion of the watershed. It is unlikely, given political opposition, and likely challenges under NFMA and the ESA that logging will take place in this area—which consists of late successional old growth forest.
- Commercial logging in the Stephen T. Mather and the Pasayten Wilderness Areas is prohibited. The prohibition on commercial timber harvest in the Wilderness Act is absolute, and the longstanding nature of this Act makes it highly unlikely that these Wilderness Areas would be opened to logging.
- The Ross Lake National Recreation Area is not open to commercial timber harvest. Congress explicitly protected scenic value of this area, and logging is contrary to this mandate.
- As a Scenic Highway, the Highway 20 corridor is not open to logging. Similar to the Ross Lake NRA, this area is managed to maintain scenic values and logging is contrary to this statutory mandate. In addition, the Okonogan Forest Plan explicitly prohibits logging in this area.
- The Commission should remain aware of proposed statutory and/or regulatory changes, and depending on the nature of such changes be prepared to take a more active role to achieve the Commission's goals.

#### **2) Recreational pressures and overuse:**

- Currently, recreational pressures are not evenly distributed throughout the watershed. Recreational pressures are largely dictated by access: the Highway 20 corridor is the area most prone to overuse, while the remote parts of the Wilderness Areas are the least used.
- The Commission is already contributing to the understanding of recreational use patterns through the recreational study currently underway in North Cascades National Park.

- On a more local level, the Commission should continue to consider funding of projects that at mitigate damage from recreational use. Land managers contacted for this report stressed the need for additional funding at the federal level. The Commission may consider using the Endowment to supplement federal funds, or solicit additional federal funding.

### 3) **Invasive Species:**

- Invasive Species constitute one of the major threats to the US Skagit.
- The Commission should fund studies to inventory and understand the impact invasive species have on the watershed. Support eradication and mitigation activities.

### 4) **Mining Activities:**

- There are no mining claims in either the Stephen Mather Wilderness or the Pasayten Wilderness. The Wilderness Act's prohibition on mining is strict; no new claims may be located within either Wilderness Area.
- There are no mining claims in Ross Lake National Recreation Area. As with timber harvest, mining is prohibited because of the adverse effects mining would have on scenic values.
- Similarly, mining is not allowed along Highway 20. There are no claims in this highway corridor.
- Mining is allowed in the national forest lands within the Mt. Baker-Snoqualmie National Forest in the area bounded by Canyon Creek and Highway 20.
  - a. **Active Claims:** Currently there are approximately 80 patented claims, mostly within the Barron Creek area, and approximately 90 unpatented claims scattered throughout this area. All of these are small-scale operation that currently pose little if any threat to the watershed. Change of use of any patented claim could affect this analysis.
  - b. **Inactive/Abandoned Claims:** Chief among the threats to the watershed is an abandoned claim, the Azurite Mine. Currently under study, this mine site contains sulfur rich tailings piles that pose both an acidic runoff and metals threat to tributaries to Ross Lake, and Ross Lake itself. It remains to be seen whether this site will be cleaned up under either the federal Superfund Law or the State's Model Toxics Control Act. If the site is scheduled for cleanup, the Commission should take action in the form of participation in the cleanup selection process. If the site is not cleaned up, it may be necessary to monitor

the site, and determine if, in the future, it warrants further attention due to changing conditions.

- The Commission should also stay informed of any new plans of operations of permits applications related to mining activities on the National Forest.

**5) Glacial retreat:**

- The current atmospheric warming trend is thought to be responsible for the rather rapid decrease in glacial area in the Northern Cascades. Obviously, there is little the Commission can do in this area, but the Commission could consider funding studies that quantify the rate and extent of glacial retreat, and these studies, if properly presented to the public, may raise awareness of the need to address this issue.

## CANADIAN ISSUES

### 1) The Need to Expand Protected Areas:

The lands outside of the protected Provincial Parks and Ecological Reserves face a number of potential threats. At least 11 forest licences exist which authorize timber harvesting, and harvesting has been taking place.

In the unprotected “Donut Hole”, there are at least 170 mineral claims and grants, including two very substantial ore bodies. The “Giant Copper” ore body contains more than 45 million tons of ore containing gold, silver, copper, molybdenum, uranium and other metals – and is suitable for open pit mining. In addition, although there are no current mineral claims in the Cascade Recreation Area, if minerals were discovered there, mineral development (unlike timber harvesting) is allowed in such recreation areas.

Other potential threats include the fact that a water extraction licence for a water bottling plan has been issued, and there are concerns about invasive species and potential recreational overuse.

It is recommended that the Commission adopt a strategy with the specific goal of:

- achieving legal protection (equivalent to a Class A Park) for all the unlogged drainages in the Skagit that are currently unprotected (including 18 and 20 Mile Creeks, LaForge Creek, Silverdaisy and 26 Mile Creeks and portions of the Sumallo);
- upgrading the protective status of the Cascade Recreation Area to the equivalent of Class A Parks status; and
- ultimately achieving the same status for the remainder of the Canadian Skagit drainage.

A number of components of a strategy for accomplishing this goal are discussed at the end of the report, including the need to vigorously pursue the current discussions with the Provincial Government, establish a collaboration with First Nations, find partners, and raise the public profile of the Skagit Valley.

The Commission could raise the Valley’s profile by sponsoring the production of articles, media clips, coffee table book, movie, song/photo contests, international conferences, and by seeking the status of Canadian Heritage River, BC Endangered River, World Heritage Site, or Biosphere Reserve.

## **2) Use of an Environmental Monitor:**

- If protected areas are not expanded as proposed, promotion of the Commission's mandate would require a complicated, piecemeal approach, using the multifarious tools described below.
- Optimum use of these tools likely requires an Environmental Monitor, a "Skagit Keeper", to utilize existing legal tools, "watchdog" industrial compliance with environmental laws, participate in land and resource management processes on behalf of the commission, and raise the public profile of the Skagit, and promote the need for additional protected areas.
- Even with the use of an Environmental Monitor, the nature of these tools is that they can mitigate possible environmental damage, but will not permanently prevent it. Only expanding protected areas can accomplish that.
- An Environmental Monitor could monitor activities on both sides of the border.

## **3) Canadian Tools available, if protected areas not extended:**

### **General Tools**

- Utilize *Fisheries Act* provisions that regulate pollution and prohibit alteration of fish habitat -- and allow Government to require that minimum river flow levels be maintained.
- Request and participate in Environmental Assessments for proposed major non-forestry developments, like mining, water extraction and road-building. Such assessments seldom stop a proposed project, but aim to mitigate damage.
- Attempt to utilize Endangered Species laws and policies. There are a number of laws and policies that apply, but most are subject to a great deal of government discretion and do not offer substantial long-term protection for endangered or threatened species in the Canadian Skagit.

### **Tools to deal with Forestry Issues**

- Ask government to provide protective designation of particularly sensitive portions of the Skagit (riparian areas, areas around roads, old growth).
- Participate in public reviews of forest plans, by providing information and requesting changes to protect conservation values.
- Pursue appeals of forestry plan approvals, and make submissions on appropriate levels of harvest in the area.

- Seek and support special regional rules to govern local forestry, like the Clayoquot Sound Scientific Panel Rules.
- Challenge various government approvals, and watchdog enforcement of various environmental laws.
- Support a Skagit Valley Ecosystem Charter, whereby US and Canadian authorities would agree to optimize and standardize mining and forestry standards on both sides of border.

### **Tools to deal with Mining Issues**

- Purchase mineral tenures on a case-by-case basis
- Make submissions documenting the need for sensitive portions of the Canadian Skagit to be designated as protected “Mineral Reserves”.
- Pursue Environmental Assessment Processes for Mine Proposals
- Challenge mining companies’ applications for pollution permits, and watchdog enforcement of permits and legislation.

### **Tools to address Water and Fisheries**

- To address proposals for water extraction, ask the federal minister of fisheries to set limits on the amount of water that can be removed from Skagit streams; provide scientific information to provincial water officials about the importance of maintaining water flows in the Skagit watershed and protecting Skagit streams; and potentially collaborate with riparian owners in the watershed in filing objections to new water licenses.
- Play a watchdog role in ensuring enforcement of water licences and approvals, and of the *Fisheries Act*.
- Seek Environmental Assessments of any proposed development that alters the flow of the Skagit.
- Urge government to designate the Skagit River as a sensitive stream and to bring the unproclaimed provisions of the *Fish Protection Act* into force.

### **Tools to address Road Development**

- Make submissions for alternative methods of logging (e.g., heli-logging), when roads are proposed in forest plans.

- If a mine proposal calls for construction of new roads, the Commission could likely address the issue in the Environmental Assessment process.
- Make submissions to Government that the Commission opposes extension of existing roads in the Skagit Drainage, and in particular the construction of new roads in presently unroaded drainages such as 18 and 20 Mile, 26 Mile and Silverdaisy drainages.
- Make submissions that the Silver/Skagit road remain unpaved, during the next consultation on the Skagit Valley Provincial Park Management Plan.
- Seek an Environmental Assessment, if paving is ever proposed for the road.
- Urge the provincial government to prohibit the paving of the Silver/Skagit Road under the *Environment and Land Use Act* or other legislation.
- Recommend that the B.C. government prohibit the construction of any new roads in the region by passing comprehensive roadless area legislation.

#### **International tools to influence Canadian governments**

- File a complaint with the Commission for Environmental Cooperation, if Canadian environmental laws are not being enforced.
- Where Canadian development is impacting US ecosystems or species (eg, Bull Trout), recommend that the US government make a formal request for the International Joint Commission to investigate and issue a public report.