



MEMORANDUM

August 21, 2010

TO: Forest Practices Board

FROM: Donelle Mahan, Forest Practices Assistant Division Manager, Operations

SUBJECT: August 12, 2014 Forest Practices Board Meeting Public Comment Response

At the August 12, 2014 meeting, the Forest Practices Board received comments during the general public comment period regarding Forest Practices Application (FPA) 2814104. It was alleged that a glacial deep-seated landslide was present within the FPA area and was undetected by the Department of Natural Resources (DNR), and that this FPA “would have been approved” if not for comments submitted by the Washington Forest Law Center to DNR’s Northwest Region forest practices staff.

The purpose of this memo is to provide the Board with additional information to understand the progression of events associated with this particular FPA. FPA 2814104 was in the early stages of review to verify public resources (stream typing, unstable slopes, threatened and endangered species presence/absence, cultural resources, etc.) when the FPA was determined incomplete for unrelated reasons prior to receiving comments from the official 14-day FPA comment period. The landowner has since resubmitted the FPA and the review process has begun again.

DNR is committed to insuring that FPAs are rigorously reviewed in the office by the Forest Practices office staff as well as in the field by the Forest Practices foresters and geologists. All office screens are conducted through an ArcGIS database and the field review entails an ocular assessment of the areas of potential instability per the ArcGIS database office review.

The following information is a timeline of the events.

Timeline

7/14/2014 –

1. Department of Natural Resources, Northwest Region office received an FPA with an attached State Environmental Policy Act (SEPA) checklist. The FPA was checked against the *Forest Practices Risk Assessment Tool (FPRAT) during the office review to verify public resources within and adjacent to the proposal. The FPA was classed as a Class IV-Special because of proximity of the harvest area to cultural resources noted in the SEPA checklist and identified during the office review.

*The Forest Practices Risk Assessment Tool is a geographic information systems (GIS) tool that allows the office and field staff to review streams, unstable slopes (slope stability model,

landslide inventory, landslide hazard zonation), threatened and endangered species habitat, cultural resources, hydric soils, roads, Group A and B water systems, etc.).

- a. The FPA was entered into the Forest Practices Application Review System (FPARS) and distributed to stakeholders and the public for review and comment.
 - b. 7/28/2014 - All public and Timber Fish and Wildlife (TFW) stakeholder comments for the FPA due.
 - c. 8/13/2014 - FPA approval/disapproval due.
2. The Forest Practices (FP) forester received the FPA through the forest practices application review system (FPARS).
 3. The FPA and SEPA were provided to DNR's responsible official (RO) for review. The RO is responsible for reviewing SEPA checklists and supporting documentation; and making a threshold determination.
- 7/16/2014 – RO made a threshold determination of determination of non-significance (DNS) based on the proponents description of features in the submitted SEPA checklist and the initial FP office review.
The RO's duty is to make the threshold determination within 10 days of receiving a complete Class IV-Special FPA. The signed original of the SEPA threshold determination is then mailed to the DNR SEPA Center. Consulted agencies, other agencies with jurisdiction, and the public have 14 days to comment on the SEPA review after the threshold determination has been issued.
- 7/18/2014 –
1. SEPA (14-071801) was received by the DNR SEPA Center with the DNS for cultural resources. SEPA comments were due 8/1/2014.
 2. The FP forester used ArcGIS to begin the office review and field review of the FPA area (streams, county parcel, landslide inventory, landslide hazard zonation, and LiDAR). During this timeframe the forester was also covering for forest practices foresters responding to fires and participated in seven interdisciplinary (ID) team meetings.
- 7/23/2014 -
1. DNR Forest Practices Coordinator discovered that a portion of the FPA had road construction over another landowner's property. Because of activity occurring on two landowners' property, both landowners must sign the FPA. This resulted in the FPA being incomplete. The original FPA landowner representative was notified that the FPA was incomplete and that they either needed to withdraw the FPA or that the FPA would be disapproved.
 2. The SEPA checklist did not refer to conducting road construction across an adjacent landowner nor did they discuss a road use permit which made the SEPA incomplete.
 3. The FP forester was also notified that this FPA was considered incomplete.

4. FP forester spoke with the Region geologist to discuss the potential for unstable slopes for the incomplete FPA en route to an ID team visit. Due to the FPA being incomplete, the need for further review of the FPA became unnecessary until resubmittal of the FPA.

7/24/2014 –

1. A comment was received by the SEPA Center and Northwest Region Forest Practices office from the Washington Forest Law Center (WFLC).
2. The Resource and Protection and Services Assistant Region Manger spoke with the Region Geologist about the incomplete FPA and the potential for unstable slopes. They concluded that upon resubmittal of the FPA, the Region Geologist would continue and complete the review of the unstable slopes.

7/28/2014 –

1. Based on the lack of information regarding activity over a second landowner within the FPA, the landowner chose to withdraw the FPA.
2. The RO duties transferred from Jay Guthrie to Jeff May.

7/29/2014 – WFLC SEPA comment forwarded to RO.

7/29/2014 – SEPA Notice of Final Determination (NFD) issued. The SEPA was withdrawn by DNR based on landowner's request to withdraw the FPA.

7/30/2014 – RO responded to WFLC SEPA comment stating "Forest Practice Application #2814104 has been withdrawn by the applicant due to incomplete information regarding a Road Use Permit and planned road construction on an adjacent landowner that is missing from the application...."

8/05/2014 - FP Forester received an email from the landowner representative to discuss dates for field visits for the potentially unstable slopes for the withdrawn FPA site and an additional site.

8/07/2014 – The revised FPA and SEPA were submitted to the Region. FPA is still a Class IV-Special due to the proximity of cultural resources. All public and TFW stakeholder comments for the FPA are due 8/21/2014 and the decision date is 9/6/2014.

8/12/2014 – The RO signed the DNS.

8/13/2014 – SEPA (14-081302) submitted to the DNR SEPA Center with the DNS for cultural resources. SEPA comments are due 8/27/2014.

8/15/2014 – Forester sent out a notice to TFW stakeholders for an interdisciplinary team (ID) to review the Class IV-S and potential unstable slopes. The ID team will be held on August 27, 2014.

Please call if you have questions (360) 902-1405.

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