



State of Washington

Department of Fish and Wildlife

*South Central Region – Ellensburg District Office, 201 North Pearl, Ellensburg, WA 98926
Phone: (509) 962-3421, Fax (509) 925-4702*

May 12, 2008

Kittitas County Board of Commissioners
Kittitas County Courthouse
205 W 5th Ave
Ellensburg, WA 98926-2887

RECEIVED

MAY 12 2008

**Kittitas County
CDS**

Dear Chairman McClain:

The Washington State Department of Fish and Wildlife (WDFW) appreciates the opportunity to provide comment to Kittitas County as updates to the County Comprehensive Plan are contemplated. These comments are based on the document identified as the EWGHB Compliance Draft Dated April 11, 2008 red line version received through email distribution on May 5, 2008 from Kittitas County Planning Director Darryl Piercy.

Shadow Plat

A particularly good tool proposed by Kittitas County in the Comprehensive Plan Update is a shadow plat. This pre-plat exercise would anticipate long-term transportation routes and factor them into the final plat configuration. This prevents development from being sited in the location best suited for road placement and guides the layout of the plat.

This technique is exceptionally well suited for critical areas protection as well. For example, if a stream running through a proposed plat is not taken into consideration as parcels are laid out, it can ultimately result in multiple stream crossings to access the various lots. We have examples in Kittitas County of this occurring. If however, a shadow plat was applied in this instance, a single stream crossing could be designated to serve the entire development. This technique would prevent multiple unnecessary stream crossings that either place the stream in culverts or cover it over with bridges. The loss of spawning habitat and riparian vegetation associated with construction of a stream crossing could be entirely avoided. Additionally, costs to the landowner for constructing and maintaining these crossings would be eliminated. Often, lots are sold individually and over an extended period of time. It is then up to each new owner to access their parcel. Fish and wildlife habitat would be protected by anticipating access to parcels in this fashion. It is strongly recommended that shadow platting that takes critical areas into consideration be applied universally to proposed plats.

Need for Clearing and Grading Ordinance

Kittitas County currently has no clearing and grading ordinance and permit. It is not unusual for clearing and grading or placement of fill from an off-site source to occur prior to development on a parcel. This can occur immediately before or years prior to the actual development of a site. This "site prep" leads to damage of critical areas but often escapes notice because there is no permit required or no nexus to a development permit.

De-Designation of Forest Land of Long-term Commercial Significance

The draft criteria to remove forest from the commercial forestland designation is a significant cause for concern. We do not see how any privately held forest will persist were this criteria to be applied. The economic argument contained in the criteria is universal. Any zone or designation that guides density of development limits to some degree economic return. Clearly, the legislature understood this and despite this fact, they went forward with these resource land designations as well as the other zone types. Additionally, they understood that that the US Forest Service and WA Department of Natural Resources were not going anywhere. The potential loss of the private timberland was part of the rationale behind creation of the commercial forest zone in the first place.

The opening paragraph on page 38 provides the figure of 18% as all that remains of commercial forestland in Kittitas County in private ownership. That figure was considerably higher in recent years. Many square mile of former commercial forest has been lost since the Growth Management Act was legislated. Acreage figures for the rate of loss should be provided to properly gauge the amount and pace of commercial forest de-designation in Kittitas County.

Kittitas County has not updated their Critical Areas Ordinance (CAO). The existing ordinance has remained essentially unchanged since adoption in the early 1990's. The guiding legislation for updating the CAO provides for inclusion of the Best Available Science (BAS). Critical areas should inform land-use decisions particularly major land-use decisions of this nature. De-designation of commercial forestland in the absence of this required CAO update would reasonably lead to decisions that are ill informed and not based on the most up to date information with respect to critical areas. The existence and locations of these commercial forest lands form the basis of many of the agency decisions regarding protection of priority habitats and species (PHS), threatened, endangered or sensitive species. The scale at which de-designation could occur is not defined and could therefore involve vast tracts of forest. The proposed criteria is silent on the issue of scale. Limits on the amount should be considered.

Intermingled Forest Ownership

On page 37, the draft identifies the checkerboard ownership pattern of private, state and federal forestland in Kittitas County. What happens on one ownership can obviously effect adjoining or nearby tracts. De-designating forestland places more homes and people into the forest setting and puts more pressure on surrounding commercial forest owners by increasing administrative

costs which in turn a proposed criteria for de-designation of commercial forest. Urban interface issues such as fire/ safety, trash dumping, vandalism and the like fall under the land holding and administrative costs proposed de-designation criteria. Long term economic conditions draft criteria such as this satisfy commercial forest de-designation (page 40) and consequently lead to the very circumstances that justify further de-designation. It is a self-perpetuating action.

The De-designation Criteria

As the text states (page 40), the criteria are not ranked in order of importance or value and de-designation may proceed on one or more of the criteria. Our concern is that the criteria are so broad as to apply to any conceivable circumstance.

Some of the criteria categories (1, 2, 4 and 6) are discussed below.

Criteria 1) Long Term Economic Conditions

The length of long term is not defined. It applies a permanent decision to temporary market conditions. Existing log size is proposed as de-designation criteria. Log size is the result of management, entirely under control of forest owners. It is not useful as a diagnostic tool to define commercial forest.

Criteria 2) Compatible Land Use Alternatives

The guiding language here advocates for development as a compatible use, however, development forms the basis under subsequent criteria as justification to de-designate commercial forest. Put another way, the compatible land uses proposed here justify de-designation but under criteria 1 and 6, it is viewed as incompatible facilitating de-designation. It is a circular argument.

Forest health issues are a major concern that the proposed de-designation criteria fails to consider. If the forest is de-designated out of commercial forest, outbreaks of spruce bud worm, tussock moth or other potential forest pathogens would be impossible to manage or control. A forest de-designated and platted into to small parcels would have the effect of dozens or hundreds of individual managers unable or unwilling to address forest health issue. This would then negatively impact the remaining commercial forest abutting or intermingled with de-designated forest. The ability to do fuels management, safeguarding forest against catastrophic fire through controlled burns is also lost.

Criteria 4) Availability of Public Services

These criteria are highly speculative. Terms such as potential public roads, potentially within a Community Wildfire Protection Plan and potentially having available water are used. The California fires over recent year highlight the catastrophic potential of home development in wild

land settings. Placing people and directing development to these places also redirects firefighting resources away from commercial forest protection and towards house protection leaving the commercial forest to burn. Fish and wildlife impacts from fire are not speculative.

Criteria 6) Change in Circumstances

The criteria assumes a weak market is a permanent situation. The Clean Water Act and the State Shoreline Management Act are cited as change in circumstances but they have been around since the 1970s. the Hydraulic Code and the Endangered Species Act are not new circumstances either.

Recommendations

In addition to the above comments, discussion points and recommendations, it is strongly recommended that no commercial forest de-designation be considered until the critical areas are updated using the best available science (BAS) standard. The deleted paragraph beginning at the bottom of page 42 beginning with the words, "Forest lands represent" and continuing on to page 43 and ending with the words, "within this land category" should be retained.

Thank you again for the opportunity to provide these comments. If you have any questions, I can be reached at (509) 962-3421.

Sincerely,



Mark Teske, Habitat Biologist

CC: Perry Harvester, WDFW
Jennifer Hayes, WDFW