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COMMISSIONER OF PUBLIC LANDS

**DEPARTMENT OF
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COPY

From: Department of Natural Resources
Forest Practices - Southeast Region
713 Bowers Road
Ellensburg WA 98926

RECEIVED
DEC 05 2019
Kittitas Co. CDS

RE: Notification of SEPA lead agency determination

To whom it may concern,

A Forest Practices Application/Notification (FPA) was submitted on 2 December 2019 to the Department of Natural Resources (DNR) Southeast Region on behalf of Brian & Lynne Bielaski, and reviewed by staff within the regional Forest Practices Program. The FPA proposes to conduct even-age timber harvest on 1 acre of the 3 acre parcel, for the purpose of converting the land to a future use for a residential home, and thus appropriately the required SEPA checklist was also submitted to the DNR. The SEPA checklist notes that for required permits that the "DNR Forest Practices application as related to residential building, well, and septic permits" will be needed for the overall proposed project. WAC 197-11-938 (4)(c) states:

(4) For private activity requiring the license or approval under the Forest Practices Act of 1974, chapter 76.09 RCW, the lead agency shall be either the department of natural resources or the city/county where the project is located, as set forth below:

(c) For any proposal involving forest practices (i) on lands being converted to another use, or (ii) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, the applicable county or city is the lead agency if the county or city will require a license for the proposal.

While we appreciate that the building permit is categorically exempt from SEPA per county code and also that Kittitas County does not consider this to be a triggering action; however because that license

(building permit) is required as part of the project, we note that WAC 197-11-305 (b)(i) in essence states that you cannot claim exemption if part of the proposal is not exempt. Additionally, the county's issuance of the building permit, as per WAC 197-11-704 is considered a "project action".

For the reasons stated above, the DNR Southeast Region Forest Practices believes that Kittitas County is hereby designated as SEPA lead agency, and we have provided a copy of the FPA and SEPA checklist for your environmental review and SEPA determination. As per WAC 197-11-938 (4)(d), please note the following:

(d) Upon receipt and review of the environmental checklist and forest practice application, the city/county shall within ten business days:

(i) Agree that a city/county license is required, either now or at a future point, and proceed with environmental review as lead agency.

(ii) Determine that a license is not required from the city/county, and notify natural resources that the city/county is not lead agency; or

(iii) Determine there is insufficient information in the environmental checklist to identify the need for a license, and either:

(A) Assume lead agency status and conduct appropriate environmental analysis for the total proposal;

(B) Request additional information from the applicant; or

(C) Notify natural resources of the specific additional information needed to determine permit requirements, who shall request the information from the applicant.

Please let us know if you have any questions, comments, or concerns. We appreciate your cooperation in this matter.

Best regards,



Shane Early

Forest Practices Coordinator

DNR Southeast Region

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