Board members present: Chairman David Bowen and Commissioner Perry Huston. Absent: Vice-Chairman Alan Crankovich.

Others: Mandy Robinson, Deputy Clerk of the Board; Joanna Valencia, CDS Staff Planner; Darryl Piercy, Director of CDS; Anne Wantanabe, Representing the Proponent; Nathan Wiess, Proponent; Ken Bevis, Representing DOFW; Bart Ausland, Representing DNR; John Jensen, Appellant; and approximately 3 members of the public.

APPEAL HEARING EASTON RIDGE LAND COMPANY SEPA NOTICE CDS

At approximately 4:00 p.m. CHAIRMAN BOWEN opened a cont’d. Appeal hearing from August 16, 2006 to consider an appeal from John Jensen of the SEPA Notice of Action Amended Mitigated Determination of Non-Significance (MDNS) of a Forest Practices Application from Easton Ridge Land Company, Landowner, for the Conversion of Forestland to a non-forest use pursuant to RCW 76.09.060: Conversion of Forest Land to Other Use. Application approval would allow the removal of an estimated 318 Th Board Feet of timber and the construction of 48,000 feet of roads. Location: North of Sparks Road, East of Easton Airport and Cross County Drive and Northeast of Interstate 90, within all of Section 1, T20N, R13E, W.M. in Kittitas County. Tax Parcel numbers: 20-13-01000-0002 (Lot 1A), 20-13-01000-0004 (Lot 2A), 20-13-01000-0005 (Lot 3A, 20-13-010000-0006 (Lot 4A).

COMMISSIONER HUSTON— Disclosed he had spoke with CDS and there is new information to be provided, He had no other contact in regards to this hearing other then that.

JOANNA VALENCIA, CDS STAFF PLANNER presented a memo in regards to the Easton Ridge Forest Practices SEPA Appeal of Amended SEPA MDNS clarifying information regarding SEPA, and issuance of another comment period with the issuance of the Amended SEPA MDNS. Ms. Valencia also stated there were some scribner’s error’s in regards to dates on the memo. Staff also noted that the SEPA should have resulted in the previous SEPA becoming null and void. In addition, as the SEPA determination was withdrawn there is no underlying valid permit. The issuance of the new and modified SEPA MDNS should have resulted in another comment period being issued. Staff recognizes this as a procedural issue and therefore has errored in not issuing another comment period for the SEPA action for the amended SEPA MDNS. Had this process been an amendment to the original SEPA the public notice period would not have been required. Ms. Valencia stated staff apologizes for this error, and recommends to the Board that the SEPA appeal be upheld and the matter remanded back to staff.
for proper processing pursuant to KCC 15A, WAC 197-11, RCW 43.21C, and RCW 36.70B. She also reviewed for the record the letter and corrected the dates that were in error on the memo.

APPELLANT JOHN JENSEN— had no comment.

ANNE WANTANABE, REPRESENTING EASTON RIDGE LAND COMPANY passed out a letter and a "quick reference chart" of SEPA Public Involvement Requirements, and wanted it noted that she disagrees with the staff’s determination and also wanted to address Commissioner Huston’s question from the hearing on August 16, 2006 which was: How many times can a SEPA be amended. Ms. Wantanabe’s findings were: There is no limit and she was unable to find any case law on that. She also stated the Board concerns in regards to the public comment period and felt that it shouldn’t be an issue because its not one be raised by the Appellant. Nor does the Appellant claim any harm or prejudice if, in fact, public comment was warranted. ERLC contends this is not an issue before the Board. Upon further examination of the public notice issued by KCCDS on June 2, 2006, it states that, “A SEPA MDNS was issued on November 10, 2005 and is withdrawn to address additional correspondence received from the Washington State Department of Fish and Wildlife.” This was an incorrect notice. There was never any intent on the part of KCCDS, WDFW or the ERLC for the initial SEPA MDNS to be withdrawn. The intent and stated action was to amend the SEPA. If any harm or prejudice is occurring in the process, it is to ERLC. Requiring any additional public comment or appeal periods on this application will be contrary to the intent of SEPA and will place unnecessary administrative delays and procedures where they are not warranted. Easton Ridge Land Company requests that the Board dismiss the appeal withdraw the amended MDNS and issue an addendum to the initial SEPA MDNS and publish a corrected notice that does not offer a new public comment or appeal period.

MR. PIERCY stated that the applicant and CDS were in agreement it was clear there was never any intent to withdraw. The intent and stated action was to amend the SEPA.

BOARD DISCUSSION- CHAIRMAN BOWEN stated he did quite a bit of research and nothing he found clarified the questions he had. COMMISSIONER CRANKOVICH stated he researched RCW, SEPA and WAC’S and that Ms. Wantanabe’s findings were quite accurate and correct with the information presented. COMMISSIONER HUSTON stated County process contradicted itself, that the proper notice and timely matter may not have been followed correctly. We may be lead agency but we aren’t the final word and the county obviously hasn’t seasoned itself in this process.

COMMISSIONER HUSTON moved to continue the Appeal Hearing, uphold the appeal, remand the SEPA to the responsible official for SEPA Determination and all conditions to be reviewed, noting it needs to be properly noticed for comment and appeal period. Commissioner Crankovich seconded. Motion carried 3-0. COMMISSIONER HUSTON moved to continue the hearing to September 5th, 2006 2:00 p.m. - Commissioners Auditorium. Commissioner Crankovich seconded. Motion carried 3-0.

Meeting adjourned at 4:38 P.M.