

From: [Early, Shane \(DNR\)](#)
To: [Kelly Bacon \(CD\)](#)
Cc: [Andrews, Garren \(DNR\)](#); [MAUNEY, MARTY \(DNR\)](#); [YOUNG, BRENDA \(DNR\)](#)
Subject: RE: SE-22-00002 Cape - Comment Response
Date: Friday, March 4, 2022 2:28:39 PM
Attachments: [image001.png](#)

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Good afternoon Kelly,

Honestly not sure where the “1 acre clearing threshold” concept comes from, but it is not rooted in any WAC or RCW that I’m aware of, so this minimum 1 acre clearing “threshold” has no bearing on the need for a Forest Practices Application (FPA) . The project proponent, per their provided SEPA checklist cites the plan to improve existing “driveway” of 1.6+ miles in length by widening and paving to county standards, which is one of the definitions of conversion to non-forestry, per WAC 222-16-010 “Definitions”, those listed for the term Conversion are as follows (see highlighted section):

"Conversion activities" means activities associated with conversions of forest land to land uses other than commercial timber operation. These activities may be occurring during or after timber harvest on forest land. They may include but are not limited to the following:

- Any of, or any combination of, the following activities in preparation for nonforestry use of the land: **Grading, filling, or stump removal.**
- **Preparation for, or construction of, any structure requiring local government approval.**
- Construction of, or **improvement of, roads to a standard greater than needed to conduct forest practices activities.**
- Clearing for, or expansion of, rock pits for nonforest practices uses or developing surface mines.

There does not seem to be any ambiguity about the plan to improve the “driveway” by widening and paving, thus this would require an approved Class IV-General FPA prior to ground actions.

Furthermore, the FPA may need to take into account the condition/size of existing culverts, as these must be at minimum up forest practice standards. Additionally, the SEPA checklist notes both the plan for grading, and should have included the need for a building permit. Upon further review, I would also take issue with the SEPA checklist stating that for this 83 acres *“No forest land of long-term commercial significance is present”*, as I believe that in theory this land could be maintained as a productive timber stand, and that future timber harvest may require additional regulation.

However that is simply an observation and does not factor into the need for a FPA or not. Bottom line, the DNR views the proposed improvement of the “driveway” as needing an approved Class IV-General FPA in advance of any ground actions, and the location of the private residence may also need to be captured in an FPA, if there are forest practices involved to create the space for that

structure. It also may be worth noting that the DNR does not authorize any trespass, and thus we require that any FPA submitted be signed by the landowner(s) of the property, since we are aware that most of the “driveway” is located on neighboring parcels not owned by the Cape’s.

Thank you for the follow up on this SEPA, please let me know if you or the project proponent have any questions.

Shane

Shane Early

Forest Practices Coordinator

Southeast Region

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WASHINGTON STATE DEPARTMENT OF
NATURAL RESOURCES

From: Kelly Bacon (CD) <kelly.bacon.cd@co.kittitas.wa.us>

Sent: Friday, March 4, 2022 1:39 PM

To: Early, Shane (DNR) <Shane.Early@dnr.wa.gov>

Subject: SE-22-00002 Cape - Comment Response

External Email

Good afternoon Shane,

The applicants for SE-22-00002 Cape provided the following response to DNR’s comments to their proposal:

DNR

Minimal clearing of trees is proposed as part of the proposed access work. We believe there is a 1 acre clearing threshold for requiring a permit from DNR. We will apply for that permit if we meet the threshold. Please note only one home is proposed for the entire project and minimal

to no tree removal is planned as part of the access improvements. As an aside, we have already completed a "Forest Management Plan" as a result of reclassifying 1 acre of the property when we completed the land purchase.

Please advise if the applicants response addresses DNR's comments.

Thank you,

Kelly Bacon

Planner I

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