



**DEPARTMENT OF
NATURAL RESOURCES**
NORTHWEST REGION
919 NORTH TOWNSHIP STREET
SEDRO-WOOLLEY, WA 98284-9384
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February 23, 2024

Notice of Final Determination

Stilly Revisited Timber Sale, App. No. 93860
FPA No. 2819253
File No. 24-013101

The Department of Natural Resources issued a Determination of Non-significance (DNS), Mitigated Determination of Non-significance (MDNS), Modified DNS/MDNS on January 31, 2024 for this threshold determination under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2).

This determination is hereby:

Retained.

Modified. Modifications to this threshold determination include the following:

Withdrawn. This threshold determination has been withdrawn due to the following:

Delayed. A Final Determination has been delayed due to the following:

Summary of Comments and Responses (if applicable):

Comment: Received multiple (113) comments from January 31, 2024 through the end of the comment period on February 14, 2024. Each comment was based on templated auto-generated comments from advocacy and environmental groups' websites. The comments opposed the harvest of the proposal, specifically based on ecological, wildlife habitat, and climate concerns.

Response: See attached.

Comment: Received February 10, 2024, from Lys Burden, as a modification of the templated auto-generated comment from advocacy/environmental groups' website requesting to stop the harvest due to its slope stability concerns, older forest concerns, water quality concerns, and climate resilience value.

Response: Response sent to Lys Burden

Comment: Received February 11, 2024, from Jim Bloss, as a modification of the templated auto-generated comment from advocacy/environmental groups' website requesting to stop the harvest due to its slope stability concerns, older forest concerns, water quality concerns, and climate resilience value.

Response: Response sent to Jim Bloss



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Comment: Received February 13, 2024, from Karen Crowley, League of Women Voters of Snohomish County. The comments opposed the harvest of the proposal, specifically based on ecological, wildlife habitat, and climate concerns.

Response: Response sent to Karen Crowley

Comment: Received February 13, 2024, from Stephen Kropp, Legacy Forest Defense Coalition, and Philip Fenner, North Cascades Conservation Council. The comments were regarding management of “structurally complex forests” and opposed the harvest of the proposal, based on slope stability concerns, and older forests.

Response: Response sent to Stephen Kropp and Philip Fenner

All comments were considered, and the review of the Stilly Revisited Timber Sale has been conducted in accordance with all applicable laws and agency policies. No new information has been provided to change the determination of non-significance for this proposal.

Jay Guthrie, Northwest Region Manager

Date: 2/23/24

There is no DNR administrative SEPA appeal.



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2/23/2024

Form letter/email response for Stilly Revisited.

Subject: SEPA comment responses for the Stilly Revisited Timber Sale, SEPA File No. 24-013101 (TS No. 30-093860), and the Ridge Ender Timber Sale, SEPA File No. 24-020601 (TS No. 30-104444).

SEPA Commenter,

Thank you for providing comments for the proposed Stilly Revisited Timber Sale, SEPA File No. 24-013101, and the proposed Ridge Ender Timber Sale, SEPA File No. 24-020601. The Department of Natural Resources (DNR) takes great pride in providing the highest quality forest management proposals possible, that follow some of the most stringent forest management policies, regulations and guidance in the United States. Department of Natural Resources (DNR) staff in the Northwest Region have reviewed your comments. This letter is in response to your comments and provides information outlining how this proposal is consistent with all applicable laws, rules, policies and procedures, including the 1997 DNR Trust Lands Habitat Conservation Plan (HCP) and 2006 Policy for Sustainable Forests (PSF).

Responses Specific to the Stilly Revisited Timber Sale

Slope stability concerns and that an associated neighborhood impacts.

During the preparation of this project, all issues related to slope stability were analyzed and addressed. This planned harvest was designed to exclude all potentially unstable slopes from within its boundaries, as discussed in SEPA question B.1.h. The project has been reviewed by a licensed engineering geologist, who is also a Forest Practices qualified expert. The planned harvest has also been reviewed onsite by our Timber, Fish, and Wildlife Cooperators, including the Department of Ecology, the Department of Fish and Wildlife, representatives from the Stillaguamish Tribe of Indians, and representatives from the Tulalip Tribes. All known concerns about slope stability issues that could impact public resources have been addressed and mitigated, as discussed in SEPA question B.1.h.

Older Trees

This proposal area was assessed by a trained “Old Growth Designee” according to DNR procedures developed for the management of Old Growth Stands in Western Washington as outlined in the Policy for Sustainable Forests (PSF). The foresters and wildlife biologist working on this project did locate an area that meets the department’s old-growth definition. DNR experts invested a significant amount of staff time to locate the extent of this area, and we have protected that area from harvest, forever, in compliance with Department policies and procedures.

Erosion risk and the associated neighborhood and Grant’s Creek

The planned harvest is adjacent to the buffer on Grants Creek for a relatively short distance about 660 linear feet. The buffer, which is one of the most protective buffers in the United States, is a 200-foot, no harvest buffer, as discussed in SEPA question B.3.a.1.c. As discussed in the SEPA Checklist, there will be no anticipated change in cumulative impacts to Grants Creek as a result of this proposal. In addition,

SEPA Commenter

2/23/2024

Page 2 of 2

the adjacent neighborhood mentioned is on the opposite side of a ridgeline than this proposal. That topographic isolation combined with the slope stability work will result in no anticipated cumulative impacts to the elements analyzed by the SEPA process.

Responses Specific to the Ridge Ender Timber Sale

Olney Creek is listed as a 303d water due to temperatures.

This is correct and is covered on page 3 of the SEPA checklist prepared for this proposal. The Ridge Ender timber sale employs some of the most protective riparian buffers used in forest management activities in the United States. As discussed in SEPA questions B.3.a.1.b, and B.3.a.1.c., the buffers on Olney Creek and streams tributary to Olney Creek are between 100 feet and 200 feet depending on the stream's classification. With such protective buffers and prudent forest management practices conducted by the DNR in this watershed, it is no wonder that Snohomish County's Surface Water Management group has assessed Olney Creek as having "excellent" water quality and "excellent" habitat in the County's State of Our Waters-Olney Creek Report, which was based upon data collected in 2022. For your convenience you can find that report and more information about the excellent water quality of Olney creek online at <https://snohomishcountywa.gov/4152/State-of-Our-Waters>.

Carbon capture, storage and the role forests play in mitigating global climate change.

All forests whether natural or managed, young or old, sequester and store carbon. In western Washington, working forests provide one of the best tools for preventing forests from being converted to other uses. Forest products used in construction store more carbon and emit less greenhouse gases than alternatives such as steel, concrete, brick or vinyl. The manufacturing of wood products also uses less energy and produces fewer emissions than the alternatives (https://www.dovetailinc.org/report_pdfs/2015/building_with_wood.pdf). Wood is a renewable resource. These facts make wood products and active forest management an important part of a climate solution. Without DNR actively managing the non-conservation lands, only the availability of wood products would decrease not the demand for those products. The demand for those wood products would be met by the utilization of either more carbon intensive building materials or sourcing the wood from further away. Either of which results in the exacerbation of our current climate challenges, which is one of the many reasons why the DNR is proud to provide climate friendly, locally sourced building products from some of the most responsibly managed forested ecosystems on the planet.

Thank you again for your comments on our proposed timber sales. For further inquiries about the proposal, please do not hesitate to contact me or our State Lands Assistant Region Manager through the Northwest Region office at 360-856-3500.

Sincerely,



Mark Arneson

Cascade District Manager

Northwest Region

Washington Department of Natural Resources



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2/23/2024

Lys Burden, Dan Burden, Mike Brant, and Dan Brant
310 Willow Street
Port Townsend, WA 98368
wpburden@aol.com

Subject: SEPA comment responses for the Stilly Revisited Timber Sale, SEPA File No.24-013101

Dear Lys Burden,

Thank you for providing comments for the proposed Stilly Revisited Timber Sale, SEPA File No. 24-013101, and the proposed Ridge Ender Timber Sale, SEPA File No. 24-020601. The Department of Natural Resources (DNR) takes great pride in providing the highest quality forest management proposals possible, that follow some of the most stringent forest management policies, regulations, and guidance in the United States. Department of Natural Resources (DNR) staff in Northwest Region have reviewed your comments. This letter is in response to your comments and provides information outlining how this proposal is consistent with all applicable laws, rules, policies, and procedures, including the 1997 DNR Trust Lands Habitat Conservation Plan (HCP) and 2006 Policy for Sustainable Forests (PSF).

Responses Specific to the Stilly Revisited Timber Sale

Presence of older trees

This proposal area was assessed by a trained “Old Growth Designee” according to DNR procedures developed for the management of Old Growth Stands in Western Washington as outlined in the Policy for Sustainable Forests (PSF). The foresters and wildlife biologist working on this project, did locate an area that meets the department’s old-growth definition. DNR experts invested a significant amount of staff time to locate the extent of this area, and we have protected that area from harvest, forever, in compliance with Department policies and procedures.

Slope stability concerns and associated neighborhood

During the preparation of this project, all issues related to slope stability were analyzed and addressed. This planned harvest was designed to exclude all potentially unstable slopes from within its boundaries, as discussed in SEPA question B.1.h. The project has been reviewed by a licensed engineering geologist, who is also a Forest Practices qualified expert. The planned

harvest has also been reviewed onsite by our Timber, Fish, and Wildlife Cooperators, including the Department of Ecology, the Department of Fish and Wildlife, representatives from the Stillaguamish Tribe of Indians and representatives from the Tulalip Tribes. All known concerns about slope stability issues that could impact public resources have been addressed and mitigated, as discussed in SEPA question B.1.h.

Erosion risk, associated neighborhood and proximity to Grants Creek

The planned harvest is adjacent to the buffer on Grants Creek for a relatively short distance about 660 linear feet. The buffer, which is one of the most protective buffers in the United States, is a 200-foot, no harvest buffer, as discussed in SEPA question B.3.a.1.c. As discussed in the SEPA Checklist, there will be no anticipated change in cumulative impacts to Grants Creek as a result of this proposal. In addition, adjacent neighborhood mentioned is on the opposite side of a ridgeline than this proposal. That topographic isolation combined with the slope stability work, will result in no cumulative impacts to the elements analyzed by the SEPA process.

Responses Specific to the Ridge Ender Timber Sale

Olney Creek is listed as a 303d water due to temperatures

This is correct and is covered on page 3 of the SEPA checklist prepared for this proposal. The Ridge Ender timber sale employs some of the most protective riparian buffers used in forest management activities in the United States. As discussed in SEPA questions B.3.a.1.b, and B.3.a.1.c. the buffers on Olney Creek and streams tributary to Olney Creek are between 100 feet and 200 feet depending on the stream's classification. With such protective buffers and prudent forest management practices conducted by the DNR in this watershed, it is no wonder that Snohomish County's Surface Water Management group has rated Olney Creek as having "excellent" water quality, and "excellent" habitat in the County's State of Our Waters-Olney Creek Report, which was based upon data collected in 2022. For your convenience you can find that report and more information about the excellent water quality of Olney creek online at <https://snohomishcountywa.gov/4152/State-of-Our-Waters>.

Carbon capture, storage and the role forests play in mitigating global climate change

All forests whether natural or managed, young or old, sequester and store carbon. In western Washington, working forests provide one of the best tools for preventing forests from being converted to other uses. Forest products used in construction store more carbon and emit less greenhouse gases than alternatives such as steel, concrete, brick, or vinyl. The manufacturing of wood products also uses less energy and produces fewer emissions than the alternatives (https://www.dovetailinc.org/report_pdfs/2015/building_with_wood.pdf). Wood is a renewable resource. These facts make wood products and active forest management an important part of a climate solution. Without DNR actively managing the non-conservation lands, only the availability of wood products would decrease not the demand for those products. The demand for those wood products would be met by the utilization of either more carbon intensive building materials or sourcing the wood from further away. Either of which results in the exacerbation of our current climate challenges, which is one of the many reasons why the DNR is proud to provide climate friendly, locally sourced building products from some of the most responsibility managed forested ecosystems on the planet.

Lys Burden

2/23/2024

Page 3 of 3

Thank you again for your comments on our proposed timber sales. For further inquiries about the proposal, please do not hesitate to contact me or our State Lands Assistant Region Manager through the Northwest Region office at 360-856-3500.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Arneson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Arneson

Cascade District Manager

Northwest Region

Washington Department of Natural Resources



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2/23/2024

Jim Bloss

618 Riverview Drive

Monroe, WA 98272

jbloss132@gmail.com

Subject: SEPA comment responses for the Stilly Revisited Timber Sale, SEPA File No. 24-013101 (TS No. 30-093860), and the Ridge Ender Timber Sale, SEPA File No. 24-020601 (TS No. 30-104444).

Dear Mr. Bloss,

Thank you for providing comments for the proposed Stilly Revisited Timber Sale, SEPA File No. 24-013101, and the proposed Ridge Ender Timber Sale, SEPA File No. 24-020601. The Department of Natural Resources (DNR) takes great pride in providing the highest quality forest management proposals possible, that follow some of the most stringent forest management policies, regulations, and guidance in the United States. Department of Natural Resources (DNR) staff in Northwest Region have reviewed your comments. This letter is in response to your comments and provides information outlining how this proposal is consistent with all applicable laws, rules, policies, and procedures, including the 1997 DNR Trust Lands Habitat Conservation Plan (HCP) and 2006 Policy for Sustainable Forests (PSF).

Responses Specific to the Stilly Revisited Timber Sale

Presence of older trees in the area of this proposal

This proposal area was assessed by a trained “Old Growth Designee” according to DNR procedures developed for the management of Old Growth Stands in Western Washington as outlined in the Policy for Sustainable Forests (PSF). The foresters and wildlife biologist working on this project did locate an area that meets the department’s old-growth definition. DNR experts invested a significant amount of staff time to locate the extent of this area, and we have protected that area from harvest, forever, in compliance with Department policies and procedures.

Slope stability concerns and neighborhood impacts

During the preparation of this project, all issues related to slope stability were analyzed and addressed. This planned harvest was designed to exclude all potentially unstable slopes from within its boundaries, as discussed in SEPA question B.1.h. The project has been reviewed by a licensed engineering geologist, who is also a Forest Practices qualified expert. The planned

harvest has also been reviewed onsite by our Timber, Fish, and Wildlife Cooperators, including the Department of Ecology, the Department of Fish and Wildlife, representatives from the Stillaguamish Tribe of Indians and representatives from the Tulalip Tribes. All known concerns about slope stability issues that could impact public resources have been addressed and mitigated, as discussed in SEPA question B.1.h.

Erosion risk, the associated neighborhood and the projects proximity to Grants Creek

The planned harvest is adjacent to the buffer on Grants Creek for a relatively short distance about 660 linear feet. The buffer, which is one of the most protective buffers in the United States, is a 200-foot, no harvest buffer, as discussed in SEPA question B.3.a.1.c. As discussed in the SEPA Checklist, there will be no anticipated change in cumulative impacts to Grants Creek as a result of this proposal. In addition, adjacent neighborhood mentioned is on the opposite side of a ridgeline than this proposal. That topographic isolation combined with the slope stability work, will result in no anticipated cumulative impacts to the elements analyzed by the SEPA process.

Responses Specific to the Ridge Ender Timber Sale

Olney Creek is listed as a 303d water due to temperatures

This is correct, and covered on page 3 of the SEPA checklist prepared for this proposal. The Ridge Ender timber sale employs some of the most protective riparian buffers used in forest management activities in the United States. As discussed in SEPA questions B.3.a.1.b, and B.3.a.1.c. the buffers on Olney Creek and streams tributary to Olney Creek are between 100 feet and 200 feet depending on the stream's classification. With such protective buffers and prudent forest management practices conducted by the DNR in this watershed, it is no wonder that Snohomish County's Surface Water Management group has rated Olney Creek as having "excellent" water quality, and "excellent" habitat in the County's State of Our Waters-Olney Creek Report, which was based upon data collected in 2022. For your convenience you can find that report and more information about the excellent water quality of Olney creek online at <https://snohomishcountywa.gov/4152/State-of-Our-Waters>.

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Jim Bloss
2/23/2024
Page 3 of 3

Thank you again for your comments on our proposed timber sales and thank you for your suggestions about trying to locate alternate harvest sites and protecting these specific sites. While these projects, combined, will harvest 298 acres, the work also identified habitat and landscape features requiring protections, which resulted in 124 acres forever being protected as long-term forest cover. These newly protected acres, along with tens of thousands more acres in Snohomish County, will go on to continue to play vital roles in the ecosystems in which we live. For further inquiries about the proposal, please do not hesitate to contact me or our State Lands Assistant Region Manager through the Northwest Region office at 360-856-3500.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Arneson". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Arneson".

Mark Arneson
Cascade District Manager
Northwest Region
Washington Department of Natural Resources



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Karen Crowley, President

League of Women Voters, Snohomish County

lwvsnohomishcounty@gmail.com

Subject: SEPA comment responses for the Stilly Revisited Timber Sale, SEPA File No.24-013101

Dear Ms. Crowley,

Thank you for providing comments for the proposed Stilly Revisited Timber Sale, SEPA File No. 24-013101. The Department of Natural Resources (DNR) takes great pride in providing the highest quality forest management proposals possible, that follow some of the most stringent forest management policies, regulations, and guidance in the United States. Department of Natural Resources (DNR) staff in Northwest Region have reviewed your comments. This letter is in response to your comments and provides information outlining how this proposal is consistent with all applicable laws, rules, policies, and procedures, including the 1997 DNR Trust Lands Habitat Conservation Plan (HCP) and 2006 Policy for Sustainable Forests (PSF).

Slope stability concerns and associated community impacts

During the preparation of this project, all issues related to slope stability were analyzed and addressed. This planned harvest was designed to exclude all potentially unstable slopes from within its boundaries, as discussed in SEPA question B.1.h. The project has been reviewed by a licensed engineering geologist, who is also a Forest Practices Qualified Expert. The planned harvest has also been reviewed onsite by our Timber, Fish, and Wildlife Cooperators, including the Department of Ecology, the Department of Fish and Wildlife, representatives from the Stillaguamish Tribe of Indians, and representatives from the Tulalip Tribes. All known concerns about slope stability issues that could impact public resources have been addressed and mitigated, as discussed in SEPA question B.1.h.

Presence and assessment of older trees

This proposal area was assessed by a trained "Old Growth Designee" according to DNR procedures developed for the management of Old Growth Stands in Western Washington as outlined in the Policy for Sustainable Forests (PSF). The foresters and wildlife biologist working on this project did locate an area that meets the department's old-growth definition. DNR experts invested a significant amount of staff time to locate the extent of this area, and we have protected that area from harvest, forever, in compliance with Department policies and procedures.

Karen Crowley

2/23/2024

Page 2 of 2

Suggestion to not harvest this project and instead study the area

This project is designed following some of the most stringent forest management policies, regulations, and guidance in the United States. While the project does harvest 152 acres, it also identified habitat and landscape features requiring protections, which resulted in at least 48 additional acres forever being protected as long-term forest cover. These protected acres, along with tens of thousands more in Snohomish County, will go on to continue to play vital roles in the ecosystems in which we live, including protecting the genetic and biological diversity you discuss in your comment letter. Thank you again for your comments on our proposed timber sales. For further inquiries about the proposal, please do not hesitate to contact me or our State Lands Assistant Region Manager through the Northwest Region office at 360-856-3500.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Arneson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Arneson

Cascade District Manager

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2/23/2024

Stephen Kropp, President
Legacy Forest Defense Coalition

Philip Fenner, President
North Cascades Conservation Council

Subject: SEPA comment responses for the Stilly Revisited Timber Sale, SEPA File No.24-013101

Dear Mr. Kropp and Mr. Fenner,

Thank you for providing comments for the proposed Stilly Revisited Timber Sale, SEPA File No. 24-013101. The Department of Natural Resources (DNR) takes great pride in providing the highest quality forest management proposals possible, that follow some of the most stringent forest management policies, regulations, and guidance in the United States. Department of Natural Resources (DNR) staff in Northwest Region have reviewed your comments. This letter is in response to your comments and provides information outlining how this proposal is consistent with all applicable laws, rules, policies, and procedures, including the 1997 DNR Trust Lands Habitat Conservation Plan (HCP) and 2006 Policy for Sustainable Forests (PSF).

Many of the comments made in your letter seem to target departmental policy, procedures, and guidance, including aspects of the DNR's 1997 Habitat Conservation Plan and the 2006 Policy for Sustainable Forests. Before those programmatic decisions were made, DNR prepared extensive environmental impact statements that analyzed the probable, significant, adverse environmental impacts of implementation of those policies at the landscape scale. Consistent with SEPA, DNR also prepares an environmental checklist for each project and makes a threshold determination for each individual timber sale. This SEPA comment period is only for the Stilly Revisited timber sale, not the environmental impact statements for the 1997 Habitat Conservation Plan or the 2006 Policy for Sustainable Forests. The primary substance of your concerns is not with the timber sale, but with decisions made by the Board of Natural Resources and the Federal Services when those two programmatic decisions were made.

Your letter does not raise new concerns, or substantive concerns specific to the Stilly Revisited timber sale, that have not been previously raised in your prior comment letters and responded to by DNR. In its responses to your prior correspondence, DNR explained its policy to protect old growth, its procedure to identify and manage structurally complex forests, its obligations under

the 1997 HCP, and the 2006 Policy for Sustainable Forests. In response to your prior litigation, DNR produced its agency record which includes the management framework and supporting environmental analysis.

In addition to the issues discussed above, your comment letter does contain some comments that are specific to the Stilly Revisited timber sale, and the following are responses to those comments.

Slope Stability Concerns, Geologic Assessment Limitations and Proximity to the 2014 Oso Landslide.

During the preparation of this project, all issues related to slope stability were analyzed and addressed. This planned harvest was designed to exclude all potentially unstable slopes from within its boundaries, as discussed in SEPA question B.1.h. The project has been reviewed by a licensed engineering geologist, who is also a Forest Practices qualified expert. The planned harvest has also been reviewed onsite by our Timber, Fish, and Wildlife Cooperators, including the Department of Ecology, the Department of Fish and Wildlife, representatives from the Stillaguamish Tribe of Indians, and representatives from the Tulalip Tribes. All known concerns about slope stability issues that could impact public resources have been addressed and mitigation has occurred, as discussed in SEPA question B.1.h.

Your letter and email also quote fragments of statements from a geology report that was prepared for this project. As previously mentioned, this project has been reviewed by a licensed engineering geologist, who is also a Forest Practices qualified expert. This project is in compliance with all applicable laws, rules, policies and procedures, including the 1997 DNR Trust Lands Habitat Conservation Plan (HCP) and 2006 Policy for Sustainable Forests (PSF).

The mechanisms behind the tragedy that occurred in our community is not an element that is assessed by the SEPA Checklist for the Stilly Revisited timber sale. There is no mention of the Oso landslide in the geologist's report for this project because the geology is different and the geology report focuses on factors that are within, adjacent to, and influenced by, this proposal.

Presence and assessment of older trees.

This proposal area was assessed by a trained "Old Growth Designee" according to DNR procedures developed for the management of Old Growth Stands in Western Washington as outlined in the Policy for Sustainable Forests (PSF). The foresters and wildlife biologist working on this project did locate an area that meets the department's old-growth definition. DNR experts invested a significant amount of staff time to locate the extent of this area, and we have protected that area from harvest, forever, in compliance with Department policies and procedures.

Violation of FSC standards.

As previously mentioned, this proposal is consistent with all applicable laws, rules, policies, and procedures, including the 1997 DNR Trust Lands Habitat Conservation Plan (HCP) and 2006 Policy for Sustainable Forests (PSF).

While your comment letter expresses disagreement with department policies, it does not identify a probable, significant, or adverse environmental impact which was not analyzed in the environmental impact statements for the programmatic decisions or an inadequacy in the SEPA checklist prepared for the Stilly Revisited timber sale. Thank you again for your comments on

Stephen Kropp, Philip Fenner

2/23/2024

Page 3 of 3

our proposed timber sales. For further inquiries about the proposal, please do not hesitate to contact me or our State Lands Assistant Region Manager through the Northwest Region office at 360-856-3500.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Arneson". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Arneson".

Mark Arneson

Cascade District Manager

Northwest Region

Washington Department of Natural Resources