WASHINGTON STATE DEPARTMENT OF
**Natural Resources**

**FPA/N No:** 2806762

**Effective Date:** 05/27/04

**Expiration Date:** 05/27/06

**Shut Down Zone:** 656

**EARR Tax Credit:** ☒ **Eligible** ☐ **Non-eligible**

# Forest Practices Application/Notification
# Notice of Decision

## DECISION:

☐ **NOTIFICATION** Operations shall not begin before the effective date.

☒ **APPROVED** This Application is approved and is subject to the conditions listed below.

☐ **DISAPPROVED** This Application is disapproved for the reasons listed below.

☐ **CLOSED-OUT** ☐ Cancelled by DNR ☐ Withdrawn by applicant

## CONDITIONS / REASONS:

This forest practice proposal is located in the Acme WAU. The applicant has indicated whether an area of resource sensitivity (ARS) will be affected, and has indicated which prescription(s) they will be using in conducting the forest practice activity in the ARS. Approval of this application is subject to 1) confirmation by DNR that the prescription(s) selected by the applicant is one or more of the prescription(s) approved for the specific ARS, and 2) that the use of these prescriptions is required.

This permit, its attached conditions, and any related official enforcement notices must be available on the work site while the operation is active. Landowner and Operator are responsible for informing their workers of these permit requirements.

Contact the Department of Natural Resources at least two (2), but not more than five (5) working days prior to the start of operations to provide start date. Call 360-856-3500 for Forest Practices to leave notice.

This FPA includes operational requirements and/or restrictions as specified in supplemental documents including the Mitigated Determination of Nonsignificance, Timber Sale Contract, and Road Plan. Unless superceded by other approval conditions set forth herein, or by any subsequent corrective and/or enforcement actions, such requirements and/or restrictions are hereby incorporated as approval conditions for the FPA. Any deviation shall require written approval from forest Practices forester, and may require additional Forest Practices review.

Road surfacing shall be suitable for wet-weather truck traffic for use during the dry season (June 1 through September 30), or suitable for all-season truck traffic for use during the wet season (October 1 through May 31). At the first sign of sediment delivery to typed water(s) timber haul shall cease, and shall not re-commence until such time as corrective measures (e.g. silt fencing, ditch armoring, sediment traps, straw matting/mulching, straw wattles, etc) have been implemented to reduce the potential for such delivery.

Operate ground-based equipment during periods of stable soil conditions. If excessive rutting or soil displacement occurs (ruts 6 inches or deeper on 10% or more of the area on which equipment is operated), stop yarding until dry conditions prevail.

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| **Issued By:** | **Title:** Administrative Assistant |
| **Region:** Northwest | **Date:** 05/27/04 |

**Copies to:** ☒ Landowner DNR -- "Going Beyond"
☒ Timber Owner DNR
☒ Operator DNR

THE FOLLOWING IS PROVIDED FOR YOUR INFORMATION:

**Forest Practice Application/notifications are posted to the Internet by the Forest Practice Application Review System (FPARS). Applicants, reviewers and interested parties can review existing proposals if they have completed a reviewer profile and the DNR has issued a login and password. You may get a profile form from the FPARS web site at:**

**http://www.dnr.wa.gov/forestpractices**

**You may also get a copy of your application / notification from you local DNR region office.**

**Also available from the FPARS website are the FPA/N form and instructions, FPA/N maps, Renewal forms, other required forms and helpful information.**

**Appeal Information:**

RCW 76.09.220 (8) provides any aggrieved person the right to appeal the approval or disapproval of a forest practices application. RCW 43.21C.075 provides any aggrieved person the right to appeal issues arising under the State Environmental Policy Act. Appeals must be filed within 30 days of the approval or disapproval of the forest practices application. Appeals must be filed with the **FOREST PRACTICES APPEALS BOARD**, PO BOX 40903, 4224-6th Ave SE Bldg #2, Lacey, WA 98504-0903. Appeals must be filed in writing on the form required in Title 223-08. Concurrently with filing of the Forest Practices Appeals Board, copies of the appeals must also be filed with the **OFFICE OF THE SUPERVISOR**, DEPT OF NATURAL RESOURCES, 1111 Washington St SE, 4th Floor Natural resources Bldg., PO BOX 47012, Olympia, WA 98504-7001, and with the **ATTORNEY GENERAL**, PO BOX 40100, OLYMPIA, WA 98504-0100.

**Other Applicable Laws:**

Operating as described in this application/ notification **does not ensure compliance with the Endangered Species Act, or other federal, state, or local laws.**

**Change of Operator, Landowner or Timber Owner:**

If the landowner changes the **operator**, the landowner shall **notify the DNR in writing within 48 hours** of the change. Appropriate forms are available at the DNR region office and at the above FPARS website. Use this form to also notify DNR of a change in landowner and/or timber owner.

**Notice of Sale or Transfer of Land or Timber:**

**Sellers and Buyers of land and perpetual timber rights** have certain rights and responsibilities when the land or perpetual timber rights are sold or transferred. Where the land is subject to certain continuing forestland obligations including without limitation reforestation, Road Maintenance and Abandonment Plans and Harvest Strategies along Type 4 Waters in Eastern Washington, **prior to the sale or transfer of the land or perpetual timber rights the law requires that the following occur:** 1) the seller shall notify the buyer of the existence and nature of the obligations and 2) the buyer shall sign a Notice of Continuing Forestland Obligation Form indicating the buyer's knowledge of such obligation. At the time of sale or transfer of the land or perpetual timber rights the seller shall send the signed Form to the Department of Natural Resources (DNR). The Form may be obtained from your DNR region office.

**If the seller fails to notify the buyer** about the continuing forest land obligation referenced above, the seller shall pay the buyer's costs related to such continuing forest land obligation, (including all legal costs) incurred by the buyer in enforcing the continuing forestland obligation against the seller. Failure by the seller to send the required notice to the DNR at the time of sale shall be prima facie evidence, in an action by the buyer against the seller for costs related to continuing forest land obligation, that the seller did not notify the buyer of the continuing forest land obligation prior to sale. See RCW 76.09.070, RCW 76.09.390 and WAC 222-20-055.

There are also other types of continuing forestland obligations subject to certain requirements, including without limitation Small Forest Landowner Forest Riparian Easements and Landowner Landscape Plans. For more information contact the DNR Regional Office.