WASHINGTON STATE DEPARTMENT OF
Natural Resources

Forest Practices Application/Notification

Notice of Decision

FPA/N Number:	**2703052**
Effective Date:	**October 27, 2004**
Expiration Date:	**October 27, 2006**
Legal: "*Wahkiacus Thinning*" S36-T5 – R13e	
Shut Down Zone:	**609W**
EARR Tax Credit:	**Eligible**

DECISION:

[ ] NOTIFICATION	Operations shall not begin before the effective date.
[X] 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[ ] CLOSED-OUT	[ ] Cancelled by DNR [ ] Withdrawn by applicant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:

NOTICE: Bull trout, a federally listed threatened species, may occur in the area covered by this forest practices permit. For information regarding compliance with federal law, please contact the Field Supervisor at (509) 921-0160 for Eastern Washington.

All standard and emergency Forest Practices Rules and Regulations in effect after July 1, 2001 apply.

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 requirements.

Notify Jesse Calkins, 509-925-8510 DNR 2 business days prior to starting operations.

This application must remain consistent within approved Habitat Conservation Plan.

Issued By:	Tony W. Gilmer	Title:	Forest Practice Forester
Region:	Southeast	Date:	October 27, 2004

Copies to: Landowner, Timber Owner and Operator: DNR
Tony Gilmer, DNR
Linda Hazlett, DNR
Steve Dugger, 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.wa.gov/dnr/htdocs/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.