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March 30, 2020
Notice of Final Determination
SEPA File No. 20-021101
FP No. 2817340

Landowner: Washington State Department of Natural Resources

The Department of Natural Resources issued a Determination of Non-significance (DNS), Mitigated Determination of Non-significance (MDNS), Modified DNS/MDNS on **February 11, 2020** for this proposal under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2).

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Withdrawn. This threshold determination has been withdrawn due to the following: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

Summary of Comments and Responses (if applicable):

Multiple comments received. Response to comments from the Responsible Official attached.

Responsible Official: Jay Guthrie

Position/title: Assistant Region Manager, Forest Practices Phone: 360-856-3500

Address: 919 N Township St, Sedro-Woolley, WA 98284

Date: 3/30/20

Signature: 

There is no agency SEPA appeal.

Middle May SEPA Comments Response from the Responsible Official

NSO management

State Lands is following the state lands HCP (Habitat Conservation Plan) which goes beyond the Forest Practices WAC (Washington Administrative Code) protections for the NSO (Northern Spotted Owl). A commenter raised a concern about a short distance of road through “sub-mature habitat.” In the proponent’s HCP, roads and road rights-of-way are considered part of the habitat area. Please refer to the State Lands responses to the responsible official’s requests for additional information (available upon request). The Middle May proposal involves road construction in areas designated sub-mature habitat. This will not alter the current landscape’s trajectory to becoming habitat, no adverse impacts to spotted owls or their habitat will result from this proposal.

Aesthetics and Recreation

As noted by State Lands’ SEPA clarifications, most of the major viewpoints in Wallace Falls State Park lie over 1000 feet from the proposal. The Forest Practices Board has set a limit on the size of harvest units, in part, to address aesthetics. WAC 222-30-025. State Lands’ HCP requirements and best management practices (BMPs) have further limited the size of harvest units and distribution of leave trees, protection of wildlife, and streams above the level that FP WACs require, which provides limits to the aesthetic impacts. The Wallace Falls State Park trails are well within the park boundaries and the park has similar second growth forest that is not easy to see more than a few hundred feet through the trees. Therefore, the view of any of the Middle May timber sale units from the state park will be minimal. The Middle May timber sale units will be reforested following harvest, limiting the duration the units appear recently harvested, before they are a green, forested stand.

Please refer to the SEPA checklist at B.10 and B.12, as well as the January 23, 2020 visibility analysis from the Stevens Pass Highway, the Wallace Falls CAMP, the Reiter Hills Recreation Plan, and the Reiter Foothills Non-Motorized Trail System SEPA. These documents were incorporated by reference in the SEPA checklist for Middle May (A.8). State Lands provided additional input to the responsible official dated March 19, 2020. Given the Forest Practices rule structure and land management approaches used, no significant impacts associated with recreation or aesthetics are anticipated from the Middle May proposal.

Noise

One commenter specifically points out the Wallace Falls State Park High Bridge area as a viewpoint where park visitors tarry. The noise of the waterfall is significant from this and much of the trail system into the falls, which drowns out much of the adjacent noise. As the SEPA checklist states (B.7.b), the timber harvest-related noise will be temporary whereas much of the background noise at the park – Highway traffic, gravel pit, railroad, county road traffic, etc., are daily noise sources that can be heard in portions of the park. Those looking for more of a wilderness experience have other recreational opportunities nearby, in either the Henry Jackson Wilderness Area (in Snohomish County), or the Alpine Lakes Wilderness Area (in King County). As noted by State Lands, its state forest lands are managed under certain statutory directives and among the legislature’s objectives, are to produce income for the

beneficiaries of these lands. These lands were previously harvested for timber, having become state forest lands in the early to mid-1900s as a result of tax defaults. See generally, “state forest lands,” at: <https://www.dnr.wa.gov/managed-lands/forest-and-trust-lands>.

See notes on aesthetics and recreation above and as captured by the proponent in the SEPA checklist, as relevant to noise associated with recreation. No significant noise impacts from the Middle May proposal are anticipated.

Public Safety

Safety of the public in relation to timber haul, and harvesting activities is addressed by State Lands in the SEPA checklist. Please refer to comments above on aesthetics and noise. See CAMP plan for Wallace Falls State Park, SEPA B.12.c., and B.12.b. trailhead and state parks trail closure. No significant impacts to public safety have been identified regarding the Middle May proposal.

Alluvial Fan/CMZ

DNR’s HCP provides for protection of the alluvial fan, which defines the CMZ (channel migration zone) in this case. The area within the 100-year floodplain (DNR’s riparian management zones begin from the outer edges of any 100-year floodplain) receives protection under State Lands HCP, but the HCP does not restrict road construction within 100 feet of Type 1-3 waters (per State Lands HCP). State Lands’ SEPA responses, responses to the responsible official’s requests for additional information (March 19, 2020), and those responses describing resource protection measures to be implemented with their road plan on the Middle May Forest Practices Application describe these protective measures.

The Forest Practices rules apply to the Middle May proposal. The Forest Practices rules expressly allow for road maintenance and construction through an alluvial fan/CMZ. WAC 222-30-020(13) restricts harvests in CMZs, but creates an exception that allows for road construction and maintenance. Given the Forest Practices rule structure, and the precautions taken associated with the alluvial fan/CMZ crossing plans, no significant adverse impacts should occur from the Middle May’s alluvial fan crossing.

WMZ

State Lands has protected the forested wetlands according to its HCP protection measures. They located both roads in the vicinity of wetlands in a manner that minimized environmental impacts, and only affected wetland buffers, rather than wetlands themselves. They also address wetland mitigation associated with the short distance of road through the forested wetland buffer. State Lands provided further information at the request of the responsible official. The protections for the wetlands here go beyond Forest Practices rule requirements, which allow for road construction through, and harvest of, forested wetlands (and do not require any buffers on forested wetlands). No harm to wetlands was likely from the short distances of road construction in the WMZ, but given that State Lands added these protections and mitigation measures, no significant adverse effects from wetlands should occur from the Middle May proposal.

Forest Ecosystem

This proposal is consistent with Forest Practices WACs as the compilation of the rules which require buffers, leave trees, protection of T&E species, reforestation, etc. to address environmental impacts to the forest ecosystem. Blowdown is addressed in SEPA checklist response B.12.c., and is further clarified in State Lands response to the responsible official. No significant adverse environmental effects related to the forest ecosystem, or blowdown effects, should occur from the Middle May proposal.

Adverse Impacts on Peak Flows (global warming)

One commenter asks about addressing adverse impacts due to global warming influence on peak flows. There is conflicting scientific data on global warming effects on the climate. It may be assumed that there is a possibility of increase peak flows. The Forest Practice Rules do address stream crossings to accommodate greater than predicted 100 year flow events and thereby reasonably address possible changes due to global warming. Other aspects of the proposal have positive effects on global warming, in that the trees cut from the site will continue to hold stored carbon in the form of lumber, and the reforestation of the site with new trees in earlier, more aggressive stages of growth will continue drawing carbon from the air.

Cumulative Effects/Connected Actions

Commenters raised concerns about road network, potential future sales and cumulative effects. The Forest Practices Board has many rule provisions that address cumulative effects, and generally, those are listed in WAC 222-12-046. The Board has also limited the size and timing of even-aged harvest to minimize the significance of potential impacts. State Lands further restricts their harvest size and timing (sequential adjacent removals) resulting in significantly smaller size harvest units than Forest Practices WACs allow.

State Lands' responses to the responsible official, as well as the relevant portions of the SEPA checklist (A.7, A.11.a, and A.13) describe the proposal in terms of a single timber sale that does not rely upon other projects for its justification. State Lands has clarified that no current timber sale proposals will use the Middle May road network, and State Lands indicates that no sales using roads proposed for the Middle May Timber Sale are planned for the May Creek block in the next seven years (their planning horizon). Under WAC 197-11-060(3)(b), the future timber harvest activities are not simultaneous with this proposed activity, and are not interdependent parts of a larger proposal. Under WAC 197-11-055(2), a proposal exists when its principle features and environmental impacts can be "reasonably identified." No commenter demonstrates that any other future timber sales are themselves currently "proposals." Thus, the proposal here has been appropriately defined and limited to the Middle May Timber Sale.

The SEPA documents and supplemental responses from State Lands make clear that, no aspect of the environment should see more than moderate adverse environmental effects from the Middle May proposal. Even when considering the cumulative effect of this proposal with others in the vicinity, due to the numerous forest practices, HCP-related, and DNR policy-driven mitigation measures that address all of the potential impacts of concern, no significant adverse cumulative effects have been identified.

Finally, future State Lands timber harvest proposals that may occur in this area will be reviewed under SEPA for potential significant impacts to public resources, and for their cumulative effects potential. State Lands also provided additional information at the request of the responsible official for Middle May FPA 2817340 (available by request).

Public Outreach

State lands has conducted an extensive outreach effort that has provided the public with many forums to comment. Please refer to the state lands response. This SEPA process provides an additional way for DNR and the public to interact about this proposal. The SEPA review period was extended to allow the responsible official additional time to review and consider the comments. DNR State Lands as well as DNR Forest Practices staff fully considered all comments that were submitted as a part of the Middle May SEPA process.

Determination

Due to all of the aforementioned discussion, there are no individual public resources and values which have not been individually addressed, and they do not cumulatively impact this forestland with probable significant impacts. WAC 197-11-794. Thus, the Determination of Nonsignificance will be retained.