

BEFORE THE POLLUTION CONTROL HEARINGS BOARD  
OF THE STATE OF WASHINGTON

FRIENDS OF THE COLUMBIA  
GORGE, INC.,

Appellant,

v.

WASHINGTON DEPARTMENT OF  
NATURAL RESOURCES,  
SYNERGY RESOURCES LLC,  
GREEN LIGHT RENEWABLE  
RESOURCES, LTD.,

Respondents.

NO. \_\_\_\_\_

PETITION FOR REVIEW AND  
REQUEST FOR FORMAL APPEAL  
OF FPA 2707050

**1. Identity of Appealing Party and Representation.**

Appellant Friends of the Columbia Gorge, Inc. (“Friends”) is an Oregon nonprofit corporation registered to do business in the State of Washington with approximately 6,000 members. Friends’ mission is to vigorously protect the scenic, natural, cultural, and recreation resources of the Columbia River Gorge National Scenic Area. Friends’ members use the National Scenic Area for hiking, wildlife and wildflower viewing, photography, camping, birdwatching, and other pursuits. Friends is a person with an interest in the Washington Department of Natural Resources (“DNR”) action in question and is aggrieved by the DNR’s decision.

Appellant’s name, address, phone number, and email address are:

Friends of the Columbia Gorge, Inc.  
333 SW Fifth Ave., Ste. 300  
Portland, OR 97204  
(503) 241-3762  
info@gorgefriends.org

1 Nathan J. Baker and Steven D. McCoy represent Friends in this matter and their contact  
2 information is:

3 Nathan J. Baker, WSBA #35195  
4 Email: nathan@gorgefriends.org  
5 Steven D. McCoy, WSBA #51423  
6 Email: steve@gorgefriends.org  
7 Friends of the Columbia Gorge  
8 333 SW Fifth, Ave., #300  
9 Portland, Oregon 97204  
10 Telephone: (971) 634-2032

11 **2. Identity of Other Parties.**

12 Washington Department of Natural Resources, approval authority.

13 Synergy Resources LLC, landowner/timber owner/applicant.

14 Green Light Renewable Resources, Ltd., applicant.

15 **3. Decision Being Appealed.**

16 This is an appeal of the Notice of Decision for forest practices application 2707050 is-  
17 sued by the DNR on February 4, 2021 (“Decision”). A copy of Synergy Resources FPA applica-  
18 tion and the DNR approval are attached to this petition for review as Exhibit 1.

19 **4. Short and Plain Statement of Grounds for Appeal.**

20 This is an appeal of the Notice of Decision for forest practices application 2707050 is-  
21 sued by the DNR on February 4, 2021. Plaintiff challenges a final agency action of Respondent  
22 Washington Department of Natural Resources determining that proposed forest practices in the  
23 Burdoin Mountain Special Management Area (“SMA”) of the Columbia River Gorge National  
24 Scenic Area (“National Scenic Area”) are consistent with the Columbia River Gorge National  
25 Scenic Area Act (“National Scenic Area Act” or “Act”), 16 U.S.C. §§ 544–544p, the Manage-  
26 ment Plan for the Columbia River Gorge National Scenic Area (“Management Plan” or “Plan”),

1 the Washington Forest Practices Act, Chapter 76.09 RCW, and its implementing regulations, Ti-  
2 tle 222 WAC. This suit arises under RCW 76.09.205 and WAC 371-08-315(2)(k), and alleges  
3 violations of WAC 222-46-015 and WAC 222-20-040(6), the National Scenic Area Act, and the  
4 Management Plan.

5  
6 Plaintiff alleges that Respondent DNR's decision violates WAC 222-46-015 and WAC  
7 222-20-040(6), the National Scenic Area Act, and Management Plan by deeming the proposed  
8 logging activities to be consistent with the Act and Plan, and by not considering whether its deci-  
9 sion will protect and enhance the natural resources of the National Scenic Area. The logging ac-  
10 tivities proposed by Synergy Resources are commercial forest practices on lands designated Spe-  
11 cial Management Area Open Space and are prohibited by the National Scenic Area Act and  
12 Management Plan. The DNR also approved the forest practices application without first ensuring  
13 that all required field surveys for sensitive wildlife species were conducted within the project ar-  
14 ea in violation of the Act and the Management Plan.

15  
16 **5. Statement of Facts**

17 On February 4, 2021, the DNR issued a final agency decision for forest practices applica-  
18 tion 2707050. The Decision reviews certain logging activities proposed on lands designated  
19 Open Space within the Burdoin Mountain Special Management Area of the National Scenic Ar-  
20 ea. The entire project area covered by the Decision is designated SMA Open Space pursuant to  
21 the National Scenic Area Act and Management Plan.

22  
23 The logging activities proposed by Synergy Resources are commercial forest practices.  
24 They include cutting down trees to produce one million board feet of lumber in two units over 65  
25 acres. The slopes in the harvest area are steep, unstable, and highly erodible, and logging the un-  
26

1 stable slopes poses a risk to water resources. The steepness of the slopes requires “cable yarding”  
2 to remove the trees from the harvest area. This is a system composed of a cable suspended from  
3 spars and towers that drags the harvested trees across the ground or carries them through the air  
4 suspended from the cable. In its Decision, the DNR concluded that the logging activities pro-  
5 posed by Synergy Resources are allowed in the SMA Open Space designation and are consistent  
6 with the National Scenic Area Act and Management Plan. The Decision contains conditions of  
7 approval for the proposed logging activities.  
8

9 In addition, DNR terminated its review of the potential adverse effects to natural re-  
10 sources of the proposed logging activities and issued the Decision without considering that  
11 DNR’s review process did not include all necessary field surveys within the project area for sen-  
12 sitive wildlife species, as required by the Act and Management Plan.  
13

14 **6. Relief Sought.**

15 Friends of the Columbia Gorge seeks the following relief:

- 16 1. Hold unlawful and set aside the Notice of Decision issued for forest practices ap-  
17 plication 2707050;
- 18 2. If necessary, enter a stay of effectiveness of the Notice of Decision issued for for-  
19 est practices application 2707050 pending resolution of this appeal;
- 20 3. Such other relief as the Board deems just, proper, or appropriate.  
21

22 RESPECTFULLY SUBMITTED this 3rd day of March, 2021.

23 FRIENDS OF THE COLUMBIA GORGE, INC.

24 By: \_\_\_\_\_  
25 Steven D. McCoy, WSBA #51423  
26 Attorney for Friends of the Columbia Gorge, Inc.

1 **DECLARATION OF SERVICE**

2 I declare under penalty of perjury under the laws of the State of Washington, that on  
3 March 3, 2021, and in the manner indicated below, I caused this foregoing Petition for Review  
4 and this Declaration of Service to be served on:

5 Pollution Control Hearings Board  
6 Post Office Box 40903  
7 Olympia, WA 98504-0903  
8 *By USPS first-class mail*  
9 *By Electronic mail to PCHB-SHBappeals@elaho.wa.gov*

10 Department of Natural Resources  
11 Southeast Region  
12 713 E. Bower Rd  
13 Ellensburg, WA 98926  
14 *By USPS first-class mail*

15 Office of the Attorney General  
16 Natural Resources Division  
17 Post Office Box 40100  
18 Olympia, WA 98504-0100  
19 *By USPS first-class mail*

20 Synergy Resources LLC  
21 7408 NE 113th Circle  
22 Vancouver, WA 98662  
23 *By USPS first-class mail*

24 Stephen L Head, Forester  
25 Green Light Renewable Resources, LTD.  
26 PO Box 711,  
27 Bingen, WA 98605  
28 *By USPS first-class mail*

DATED this 3rd day of March, 2021, at Portland, Oregon.

\_\_\_\_\_  
Steven D. McCoy

## **Exhibit I**

### **Synergy Resources Application 2707050 and Washington Department of Natural Resources Decision with Attachment**



**Forest Practices Application/Notification  
Office Checklist Page 1  
SOUTHEAST Region**

FPA/N #: 2707050

Received Date: 1/7/21

Complete Date: 1/7/21

WDFW Concurrence Due Date: -

WDFW Concurrence Completed: -

Comments Due Date: 1/20/21

Decision Due Date: 2/5/21

FP Forester: 6584-Butler

Shutdown Zone: 609 W

RMAP #: R2701013

FPA/N CLASSIFICATION: [ ] II [ <input checked="" type="checkbox"/> ] III [ ] IVG [ ] IVS		Biomass [ ]	FFFPP [ ]	20-acre exempt [ ]
Landowner Name: <u>Synergy Resources LLC</u>	Project Name: <u>-</u>			
WRIA: <u>29 - Wind White Salmon</u>	WRIA: <u>"</u>	WAU: <u>Majon Creek</u>	WAU: <u>-</u>	
Legal Description: <u>S.31-4-12E; S.36-4-11E</u>	County: <u>Klickitat</u>			
Activity Type: Harvest <u>65</u> ac	Spray _____ ac	Stream X's _____		
Road _____	Road _____	Rock Pit _____ ac		
Construction _____ ft	Abandonment _____ ft	Spills _____ cy		

**ALTERNATIVE PRESCRIPTIONS**

- Alternate Plan
- Ten-Year Forest Management Plan
- Columbia River Gorge National Scenic Area -SMA
- Watershed Analysis: \_\_\_\_\_
- Habitat Conservation Plan
- Landowner Option Plan for Northern Spotted Owl
- Cooperative Habitat Enhancement Agreement
- EARR Tax Credit  Yes [ ] No

**RESOURCE REVIEW**

- Unstable Slopes (Risk: Highway, Water, \_\_\_\_\_)
- Soils Map (Highly Erodible & Very Unstable)
- SLPSTAB HIGH
- Landslide Hazard Zonation
- Landslide Inventory Polygon
- Rain-on-Snow and Outside Approved WA
- Hydric Soils
- Wetland [ ] Forested; [ ] A, [ ] B
- In WMZ of [ ] A, or [ ] B Wetland
- In RMZ/ELZ of Type [ ] S, [ ] F, [ ] N water
- Water Verification
- Bull Trout Overlay
- HCP Bull Trout Population
- Bald Eagle nest or roost within 660 feet
- Group A or B Water Supply
- Hatchery (Name: \_\_\_\_\_)
- Even-Aged Harvest greater than 120 Acres
- Ground-based Equipment on Slopes greater than 40%
- Road Construction on Slopes greater than 65%
- Saltwater Islands (Name: \_\_\_\_\_)
- In or Over Typed Water
- Volume greater than 5 mbf per acre

**ASSOCIATED NON-SCANNED DOCUMENTS** - On file with the FPA/N at the Region office.

- SEPA Checklist/Documents
- Large Landowner Road Maintenance and Abandonment Plan

**ASSOCIATED SCANNED DOCUMENTS**

- Conversion Option Harvest Plan CRG NSA
- FPHP Plans & Specifications Consistency Determination
- Qualified Expert Report; Type: CD-20-02-S
- Natural Regeneration Plan
- Shoreline Permit
- Marbled Murrelet Form
- FPBM Appendix(s) \_\_\_\_\_
- Small Landowner RMAP Checklist
- CMZ Assessment Form
- Hardwood Conversion Form
- Wetland Mitigation Plan
- Water Protocol Surveys
- Modification Form# \_\_\_\_\_
- Water Classification Worksheet
- Shade Documentation (Stream Shade Assessment Worksheet)
- Watershed Analysis Worksheet
- DFC Printout
- Slope Stability Informational Form

ADDITIONAL COMMENTS:

Form completed by [Signature]  
Oct 2020 Version



For DNR Region Office Use Only	
FPA/N #:	2707050
Region:	Southeast
Received Date:	1/7/21

## Forest Practices Application/Notification Eastern Washington

Project Name: \_\_\_\_\_

PLEASE USE THE INSTRUCTIONS TO COMPLETE THIS APPLICATION.

### 1. Landowner, Timber Owner and Operator

Legal Name of LANDOWNER	Legal Name of TIMBER OWNER	Legal Name of OPERATOR
Synergy Resources LLC	<input checked="" type="checkbox"/> Same as Landowner	<input checked="" type="checkbox"/> Same as Landowner
Mailing Address: 7408 NE 113th Circle	Mailing Address:	Mailing Address:
City, State, Zip: Vancouver, WA 98662	City, State, Zip:	City, State, Zip:
Phone: (360) 253-1095 Email: <a href="mailto:cornellr@rotschyinc.com">cornellr@rotschyinc.com</a>	Phone: Email:	Phone: Email:

### 2. Contact Person

Contact Person: Stephen L Head, Forester, P.O. Box 711, Bingen, WA 98605	Phone: (509) 281-0530 Email: <a href="mailto:greenliteltd@gmail.com">greenliteltd@gmail.com</a>
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### 3. Are you converting any portion of the land to non-forestry use within 3 years of harvest?

No  Yes If yes, include your SEPA checklist and SEPA determination (if applicable) and county clearing and grading permit (if applicable).

### 4. If you are harvesting timber, enter the Forest Tax Number of the Timber Owner:

800-076-577

Contact the Department of Revenue at 1-800-548-8829 for tax reporting information or to obtain a number.

a. Are you eligible for EARR Tax Credit?  No  Yes

**5. Are you a small forest landowner per RCW 76.09.450? See instructions**

- No  Yes If yes, check all that apply. If no, skip to Question 6.
- My entire proposed harvest area is on a single contiguous ownership consisting of one or more parcels.
  - My proposed forest practices activities are within an area covered by an approved Forest Stewardship Plan or Forest Management Plan developed in cooperation with DNR.
  - I received technical assistance from a DNR small forest landowner Stewardship and Technical Assistance Forester in preparing this FPA/N.
  - I have participated in a Washington State University Extension Service and/or DNR-sponsored Forest Stewardship Coached Planning course.
  - I have attended a Washington State University Extension Service and/or DNR-sponsored Family Forest Owner Field Day.

**6. Are you substituting prescriptions from an approved state or federal conservation agreement or Watershed Analysis?**

- No  Yes Write 'HCP' or 'Using Prescriptions' in tables that apply. Attach or reference prescriptions and/or crosswalks for approved state or federal conservation agreements or Watershed Analysis on file at the Region office.

**7. What is the legal description of your forest practices?**

Section	Township	Range	E/W	Tax Parcel Number	County
31	4	12	E	04123100000300	Klickitat
36	4	11	E	04113600001100	Klickitat

**8. Have you reviewed this forest practices activity area to determine whether it may involve historic sites and/or Native American cultural resources? Read the instructions before answering this question.**

- No  Yes If you made any contacts, please provide information in Question 28.

**9. Do you have a DNR approved Road Maintenance and Abandonment Plan (RMAP)?**

- No Is a Small Forest Landowner RMAP Checklist required (see instructions)?  No  Yes
- Yes Enter your RMAP number: \_\_\_\_\_
- Is this FPA/N for work that is included in this approved RMAP?  No  Yes

**10. Are there potentially unstable slopes or landforms in or around the area of your forest practices activity?**

- No  Yes If yes, attach Appendix D. Slope Stability Informational Form and map of areas reviewed for and locations of unstable slopes and landforms found. If applicable, attach a geotechnical letter, memo, or report, Watershed Analysis prescriptions, and/or a SEPA Environmental Checklist.

**11. Is this Forest Practices Application/Notification (answer every question):**

- a.  No  Yes A request for a multi-year permit? If yes, length requested:  4 years or  5 years.  
Not everyone qualifies for a multi-year permit. See instructions for details.
- b.  No  Yes An Alternate Plan? If yes, include a template or detailed plan. See instructions for details.
- c.  No  Yes For a funded Forest Family Fish Passage Program project?
- d.  No  Yes Within an urban growth area (UGA)? If yes, see instructions for additional required documents.
- e.  No  Yes Within a public park? If yes, include SEPA Environmental Checklist or SEPA Determination, except for harvest/salvage of less than 5,000 board feet within a developed public park.  
Park name: \_\_\_\_\_
- f.  No  Yes Within 500 feet of a public park? Park name: \_\_\_\_\_
- g.  No  Yes In an approved Conversion Option Harvest Plan (COHP) from the local government? If yes, include a copy. This only applies to proposals within urban growth areas.
- h.  No  Yes Within 200 feet of the Ordinary High Water Mark (OHWM) or floodway of Type S Water?  
If yes, check with the county or city to determine whether a substantial development permit is required under the local shorelines master plan.
- i.  No  Yes Within 50 miles of saltwater AND you own more than 500 acres of forest land in Washington State? If yes, include Marbled Murrelet Form or attach/reference HCP prescriptions.
- j.  No  Yes In or directly adjacent to a potential Channel Migration Zone (CMZ)? If yes, include CMZ Assessment Form. Attach/reference applicable HCP and/or Watershed Analysis prescriptions.

**You are required to verify all waters within 130 feet of your proposed forest practices activities prior to submitting a Forest Practices Application / Notification. Use the Water Type Classification Worksheet and/or a Water Type Modification form to explain how you verified water types. See Water Typing Requirements in the instructions.**

**\*\*\*\*\* If not working in or over typed Waters, skip to Question 16 \*\*\*\*\***

**Prior to answering Questions 12-15 in this section please refer to the Forest Practices Application Instructions and Forest Practices Board Manual Section 5.**

**12. Are you proposing any of the following projects NOT permitted by current HPAs from WDFW?**

- a.  No  Yes Installing, replacing, or repairing a culvert at or below the bankfull width of Type S or F Water(s) that exceeds a five percent gradient?
- b.  No  Yes Constructing, replacing, or repairing a bridge at or below the bankfull width of unconfined streams in Type S or F Water(s)?
- c.  No  Yes Placing fill material within the 100-year flood level of unconfined streams in Type S or F Water(s)?

**13. Have you consulted with DNR and/or WDFW about the proposed hydraulic project(s) in or over Type S or F Water?  No  Yes**

14. If installing, replacing, removing, or maintaining structures in or over any typed Water, complete the table below. Provide crossing locations and identifiers on your Activity Map. Provide plan details in Question 28 or attach plan to the FPA/N. Type S and F Waters require detailed plan information. Complex hydraulic projects in Type N Waters may also be required per WAC 222-24-042(2). See instructions for detailed plan requirements.

Crossing Identifier (letter, number)	Water Type (S, F, Np, Ns)	*Existing HPA Number (if applicable)	HPA Expiration Date (if applicable)	Planned Activity (install, replace, remove, temporary, structure maintenance)	Structure (bridge, ford/equipment crossing**, punchon/fill, arch, pipe arch, round culvert, other)	Proposed Size (width x length)	Culvert Design Method (no-slope, stream-sim, hydraulic, other) (F and S only)	Channel Bed Width (ft) (F and S only)	Stream Gradient (%) (F and S only)	Is this an RMAP Project?

\*Existing HPAs issued by WDFW will be complied and enforced by WDFW until expiration. Plan details are not required for hydraulic projects permitted with an existing HPA (see instructions).

\*\*Fords and/or equipment crossings on Type S and F Waters may result in an unauthorized incidental take of certain threatened or endangered fish species. For more information, see 'Background for the State's Incidental Take Permits for certain threatened and endangered fish species' following Question 22 of the FPA/N instructions.

15. If conducting any of the following activities in or over typed Water(s), complete the table below. Some activities will require identifiers on the Activity Map and/or more information in Question 28. See instructions.

Activity	Type S Water	Type F Water	Type Np Water	Type Ns Water
Equipment Crossing**	PROVIDE DETAILS IN QUESTION 14			
Suspending Cables				
Cable Yarding				
LWD Placement/Removal				
Beaver Dam Removal				
Felling and Bucking				
Other (describe in Question 28)				

\*\* Fords and/or equipment crossings on Type S and F Waters must be identified in Question 14.

16. If constructing or abandoning forest roads, complete the table below. Show the road locations and identifiers on the Activity Map. Include abandonment plans for all temporary roads and abandonment projects.

Road Identifier (name, number)	Road Construction		Road Abandonment	
	Length (feet)	Steepest Side-slope (%)	Length (feet)	Abandonment Date

17. If depositing spoils and/or expanding or developing a rock pit for forestry use, complete the table below. Show locations and identifiers on the Activity Map.

Spoil Area Identifier (letter, number)	Amount of Spoils Deposited (cubic yards)	Rock Pit Identifier (name, number or letter)	Acres of New Rock Pit Developed	Acres of Existing Rock Pit Expanded

18. If operating within 200 feet of a wetland not associated with a Type S or F Water, complete the table below. Wetlands associated with Type S or F water should be listed in Question 25. Show the boundaries of each wetland, along with its identifier, and Wetland Management Zones on the Activity Map. See instructions for information.

Wetland Identifier (letter, number)	Wetland Type (A, B, Forested)	Planned Activities in Wetland	Planned Activities in Maximum Width WMZ	Total Wetland Acres	How many Acres will be drained?	How many Acres will be filled?

\*\*\*\*\* If not harvesting or salvaging timber, skip to Question 27 \*\*\*\*\*

19. If harvesting or salvaging timber, complete the table below. Show all harvest areas and unit numbers on your Activity Map. For even-aged harvest units, also show surrounding stand information on the Activity Map.

Unit Number	Harvest Type (Even-aged, Uneven-aged, Salvage, Right-of-Way)	Biomass Harvest (Y or N)	Harvest Method (rubber tired skidder, tracked skidder, dozer, shovel, full suspension cable, leading end suspension cable, helicopter, cable assist/tethered logging, animal, chipper, forwarder, slash bundler)	Acres to be Harvested	Volume to be Harvested (mbf)	Biomass Volume to be Harvested (tonnage)	Salvage Volume to be Harvested (%)	Estimated Number of Trees per acre Remaining after Harvest		Steepest Slope in Harvest Unit (%)
								Less than 10" dbh	Greater than or equal to 10" dbh	
1	unevenaged	n	lead end suspended hi lead	40	600			20	60	50
2	"	"	" "	25	400			20	60	50

## 20. Reforestation. Check all that apply:

- Planting. Tree Species: \_\_\_\_\_
- Natural. Include a Natural Regeneration Plan
- Not required because of one or more of the following:
- I am converting some or all of this land to non-forest land in the next 3 years or lands are exempted under WAC 222-34-050.
  - Individual dead, dying, down, or wind-thrown trees will be salvaged.
  - Trees are removed under a thinning program reasonably expected to maximize the long-term productivity of commercial timber.
  - I am leaving at least 100 vigorous, undamaged, and well-distributed saplings or merchantable trees per acre.
  - An average of 150 tree seedlings per acre are established on the harvest area and my harvest will not damage them.
  - Road right-of-way or rock pit development harvest only.

**\*\* Do you own MORE than 80 acres of forest land in Washington? If yes, skip to Question 25 \*\***

## 21. Are you using the exempt 20-acre parcel riparian management zone (RMZ) rule (WAC 222-30-023) on Type S, F, or Np Waters?

- No Skip to Question 25.
- Yes Continue to Question 22. See instructions for qualifications and information.

## 22. Choose the answer below that best fits your situation. Show all RMZs on the Activity Map.

- a. ALL of the following apply to me and my land: (If no, answer b.)
- Between June 5, 2006 and today's date I have always owned less than 80 acres of forest land in Washington.
  - Between June 5, 2006 and today's date this parcel has always been 20 acres or less of contiguous ownership. See RCW 76.09.020 for definition of 'contiguous'.
  - Between June 5, 2006 and today's date this parcel has always been owned by me or someone else that has owned less than 80 acres of forest land in Washington.
- b. ONE OR MORE of the following apply to me and/or my land (check all that apply):  
***If any of the statements below apply AND you use the exempt 20-acre parcel RMZ rule, you are NOT authorized under the State's Incidental Take Permits (see explanation in FPA instructions under Question 22).***
- Between June 5, 2006 and today's date I have owned more than 80 acres of forest land in Washington.
  - Between June 5, 2006 and today's date this parcel has been a part of more than 20 acres of contiguous ownership. See RCW 76.09.020 for definition of 'contiguous'.
  - Between June 5, 2006 and today's date this parcel has been owned by someone that has owned more than 80 forested acres in Washington.

23. If harvesting within 345 feet of a Type S or F Water on an exempt 20-acre parcel, complete the table below. Show RMZs and stream segment identifiers on the Activity Map. If you are harvesting within 75 feet or within the maximum RMZ (whichever is less), stream shade must be assessed and met following harvest. Describe in Question 28 how stream shade was determined to be met or use the 'Appendix F. Stream Shade Assessment Worksheet' if necessary.

Stream Segment Identifier (letter)	Segment Length (feet)	Adjacent Harvest Type (partial cut or other)	RMZ Maximum Width (feet)	Are you harvesting within the maximum RMZ? (Y or N)

24. Are you harvesting within 29 feet of a Type Np Water on an exempt 20-acre parcel?

No Skip to Question 27.

Yes See instructions and describe leave tree strategy in Question 28. Then skip to Question 27.

25. If harvesting within 130 feet of any of Type S or F Water or periodically inundated areas of their associated wetlands, complete the table below. Include stand information for all inner zone harvests unless you have an HCP prescription. Show RMZs, CMZs, and stream segment identifiers on your Activity Map. If you are harvesting within 75 feet or within the maximum RMZ, whichever is less, stream shade must be assessed and met following harvest. Describe in Question 28 how stream shade was determined to be met or use the 'Stream Shade Assessment Worksheet' if necessary.

Stream Segment Identifier (letter)	Water Type (S, F)	Site Class (I-V)	Stream Width (feet)	Is there a CMZ? (Y or N)	RMZ Harvest Code(s) (see instructions)	DFC Run Number	Total width of RMZ (feet)

26. If harvesting within 50 feet of Type Np Water, complete the table(s) below. Show RMZs and stream segment identifiers on the Activity Map.

Stream Segment Identifier (letter)	Selected Strategy (partial cut or clearcut)

Stream Segment Identifier (letter)	Selected Strategy (partial cut or clearcut)

**27. How are the following currently marked on the ground? (Flagging color, paint color, road, fence, etc.)**

Harvest/Salvage Boundaries: fences, roads, powerline, pink flagging

Clumped Wildlife Reserve Trees/Green Recruitment Trees: na

Right-of-Way Limits/Road Centerlines: existing roads

Stream Crossing Work: none

Riparian Management Zone Boundaries and Leave/Take Trees: pink or red flagging

Channel Migration Zone: none

Wetland Management Zone Boundaries and Leave/Take Trees: none

**28. Additional Information (attach additional pages if necessary): For hydraulic projects in or over Type S, F, or complex N Water(s) see instructions for required plan information. If applicable, include recommended mitigation measures from a geotechnical memo, letter, or report.**

This is a forest health enhancement and fuels reduction thinning from below. It is in the Columbia Gorge SMA and has an approved Consistency Determination (CD-20-02-S) from the USFS with conditioning RE: residual crown closure, timing, species composition, and RMZ widths. The operation will use hi lead equipment to herringbone thin, with untouched strips between corridors. A color map is attached to show the concept of the operation.

-No openings will be created that are over 1 acre in size and created openings will total no more than 10% of the project area.- openings retain between 0% and 40% crown closure. Canopy closure will be reduced to 60% to 70% initially and is expected to increase to 80%-90% within 5 to 10 years following treatment.

-RMZ widths required by the USFS are more than double that of the DNR requirements. The higher level of protection is being implemented in all aspects of the project.

WDFW conditioned the USFS FPA requiring a squirrel survey. A squirrel population survey will be submitted to DNR Forest Practices prior to beginning of operations. If any nests are found they will be recorded in accordance with WDFW protocol and reported to USFS and DNR. No nest trees will be felled.

No operations will be conducted between March 1 and July 15 of any year to minimize disturbance to possible presence of spotted owls. This area is outside of any SOSEA and there are no known owls in the vicinity but this timing will be observed as an additional caution.

Natural Reforestation Plan: The Gorge Scenic Area and the Synergy management plan requires us to maintain a minimum of 75% crown closure average. This is more than an adequate seed source. The disturbance of the soil in the stand, however minimal, will provide seed bed. One goal of this project is to expedite "old growth" conditions in the project area. There is no intent to reduce stocking of the area to less crown closure now or in the future, so reforestation is a subordinate issue unless natural causes otherwise reduce stocking to less than legal levels.

The area was reviewed by DNR Forest Practices before submission to USFS to determine whether there are any recorded historic or prehistoric sites affected by this project. A site was found in the Section but was on another property and situated in a location outside the influence of this project.

All snags over 20" DBH will be retained unless they are required to be felled for safety or operational purposes. Large snags that are felled will be left on ground to contribute to down wood.

Native ground cover or other stabilizing methods will be established on a minimum of 80% of areas with surface disturbance within one year of project completion.

**29. We acknowledge the following:**

- The information on this application/notification is true.
- We understand this proposed forest practice is subject to:
  - The Forest Practices Act and Rules AND
  - All other federal, state or local regulations.
- Compliance with the Forest Practices Act and Rules does not ensure compliance with the Endangered Species Act or other federal, state or local laws.
- If we said that we would not convert any portion of the land to non-forestry use, the county or city may deny development permits on this parcel for the next 6 years.
- The following may result in an unauthorized incidental take of certain endangered or threatened fish species:
  - Conversion of land to non-forestry use.
  - Harvesting within the maximum RMZ on a 20-acre exempt parcel that was acquired after June 5, 2006.
  - Equipment Crossings/Fords in or over Type S and F Waters.
- Inadvertent Discovery – Chapters 27.44, 27.53, 68.50 and 68.60 RCW
  - If you find or suspect you have found an archaeological object or Native American cairn, grave, or glyptic record, immediately cease disturbance activity, protect the area and promptly contact the Department of Archaeology and Historic Preservation at 360 586-3077.
  - If you find or suspect you have found human skeletal remains, immediately cease disturbance activity, protect the area, and contact the County Coroner or Medical Examiner and local law enforcement as soon as possible. Failure to report human remains is a misdemeanor.

The landowner understands that by signing and submitting this FPA, he/she is authorizing the Department of Natural Resources to enter the property in order to review the proposal, inspect harvest operations, and monitor compliance for up to three years after its expiration date. RCW 76.09.150

Signature of legal LANDOWNER	Signature of legal TIMBER OWNER* (If different than landowner)	Signature of legal OPERATOR (If different than landowner)
 Print Name: Cornell Rotschy Date: 1/4/2024	Print Name: Date:	Print Name: Date:

\* NOTE: If you are a "Perpetual Timber Rights Owner," and are submitting this without the Landowner's Signature, provide written evidence the landowner has been notified.

Please make a copy of this FPA/N for your records. If this FPA/N contains a hydraulic project requiring WDFW concurrence review, it will not be available online for public review until after the WDFW concurrence review period.



WASHINGTON STATE DEPT OF  
**NATURAL  
RESOURCES**

For DNR Use Only

Checklist #:

R270613

## SMALL FOREST LANDOWNER CHECKLIST RMAP

### WHEN TO SUBMIT A CHECKLIST RMAP

Submit this checklist with your Forest Practices Application/Notification (FPA/N) for harvest or salvage. If you have already submitted a Checklist for these roads, please contact the DNR region office. The Checklist is for existing roads on your forest land that have been used by anyone for a forest practice since 1974. Do not include haul roads on your neighbor's property. Do not include skid trails.

#### THIS CHECKLIST APPLIES TO *(Check one)*

- The forest roads on my forest land that I will use for this FPA/N. Minimum Required
- I assessed all the forest roads on my forest land. Assessing all your forest roads is optional. If you choose this, you will not be required to submit additional checklists with future FPA/N's. If you check this box, include a DNR Activity Map(s) that shows all your forest roads. Maps are available at DNR region offices and on the DNR website at [http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp\\_fpars.aspx](http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_fpars.aspx). You need to know the legal description (section, township, and range) of your roads in order to request a map.

The approximate total number of miles of forest road assessed in this Checklist is: 1  
*This information will be used for statewide statistics.*

#### FOREST ROAD ASSESSMENT

Please complete this section after you have assessed your forest roads.

- I need help with this section. *(If you check this box, you may leave the rest of the boxes in this section blank. DNR will contact you)*

*The following boxes describe common sediment and road issues. Check all that apply.*

- |   |  |
|---|--|
| <input type="checkbox"/> Water from the road or ditch runs directly into typed water. | <input type="checkbox"/> The road has sinkholes. <i>(Not a pothole – but a hole that you can't drive over)</i>                           |
| <input type="checkbox"/> Water flows under, over, or around the culvert.              | <input type="checkbox"/> Dirt from the uphill side of the road keeps falling into the ditch-line before regularly scheduled maintenance. |
| <input type="checkbox"/> The culvert keeps filling with dirt.                         | <input type="checkbox"/> Dirt from the cut-slope keeps falling downhill into or near a stream, pond, or wetland.                         |
| <input type="checkbox"/> The road has large cracks or ruts.                           | <input type="checkbox"/> There are indications of past surface erosion   |
- The road crosses typed water (a culvert, bridge, or ford exists).  
 I have assessed my forest roads and they do not have any of the above issues.

#### FAMILY FOREST FISH PASSAGE PROGRAM

This is a program to fix fish passage barriers, such as culverts. Not all culverts are fish passage barriers. For an evaluation of your potential fish passage barrier please contact the DNR's Small Forest Landowner Office in Olympia at (360) 902-1404 or go to [www.dnr.wa.gov/lffpp](http://www.dnr.wa.gov/lffpp) for more information.

- I choose to enroll in the Family Forest Fish Passage Program and would like to have my potential barrier evaluated for eligibility.  
I understand that by checking this box I may be required to provide cost-share associated with the barrier removal or replacement.
- I choose not to enroll in the Family Forest Fish Passage Program and accept responsibility for removing or repairing any artificial fish barrier on my forest roads at my own expense.
- This barrier is already enrolled in the Family Fish Passage Program.

**ORPHANED ROADS**

State law requires DNR to keep an inventory of orphaned roads that pose a risk to public safety or to public resources. Your help with this inventory is requested.

**Orphaned roads are:**

- Roads on your forest land that have not been used for forest activities since 1974. Forest Practices activities include timber cutting, timber hauling, tree planting, brush control, precommercial thinning, timber salvage, etc.

Check one of these boxes

- I do not have orphaned roads that I think pose a risk to public resources or public safety – such as houses, highways, county roads, streams, ponds, or wetlands.
- I have orphaned roads that I think may pose a risk to public resources or public safety – such as houses, highways, county roads, streams, ponds or wetlands. *(Please show the locations of all these orphaned roads on a separate DNR Activity Map. This is not the same map that shows your harvest)*
- I need help identifying orphaned roads.

**ROAD MAINTENANCE OBLIGATIONS**

All forest landowners have a legal obligation to maintain all their forest roads on all their forest land to the extent necessary to prevent damage to public resources. This includes forest roads not shown on this Checklist. Maintenance rules are in WAC 222-24-052. Best Management Practices (BMP's) for road maintenance are in the Forest Practices Board Manual Section 3. Both are in the forest practices rule book or on the DNR website at:<http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesRules/Pages/Home.aspx>

Road maintenance includes:

- Inspecting forest roads and fixing damage before, during, and after hauling timber and/or rock
- Keeping drainage structures (relief culverts, ditches, water bars, dips, etc.) and water crossings functional
- Making sure water from roads and ditches do not flow directly into streams, ponds, or wetlands

My road(s) are maintained to Forest Practices standards.

**LANDOWNER INFORMATION**

I certify that at the time I submit this FPA/N I am a small forest landowner because:

- I have an average annual timber harvest level of two million board feet or less from my own forest land in Washington State; and
- I have not exceeded this average annual harvest level in the last three years; and
- I will not exceed this average annual harvest level for the next ten years.

Printed Name of Landowner: Cornell Rotschy

Landowner Signature(s): 

Complete this section only if you are **not** submitting an FPA/N

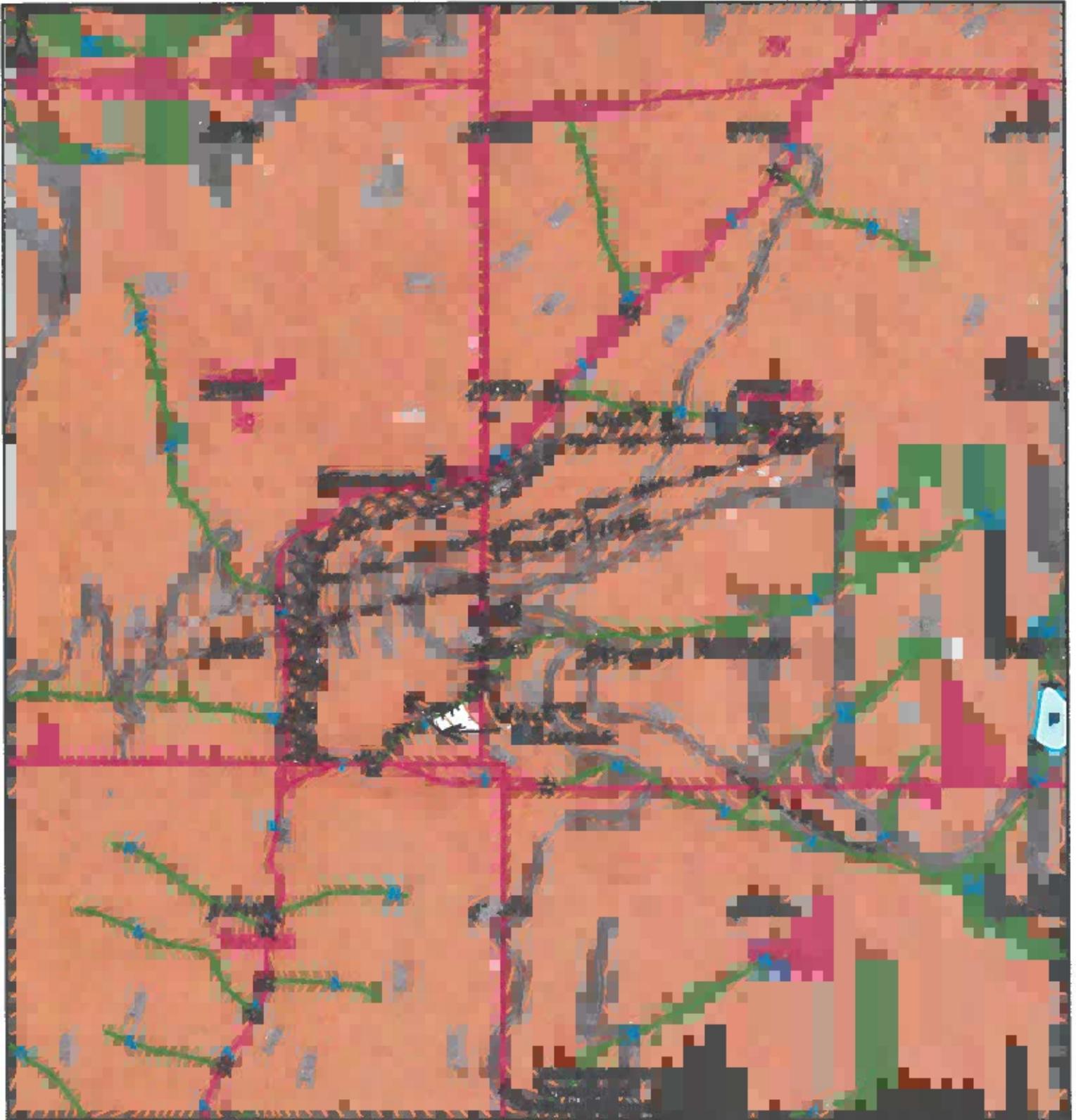
Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

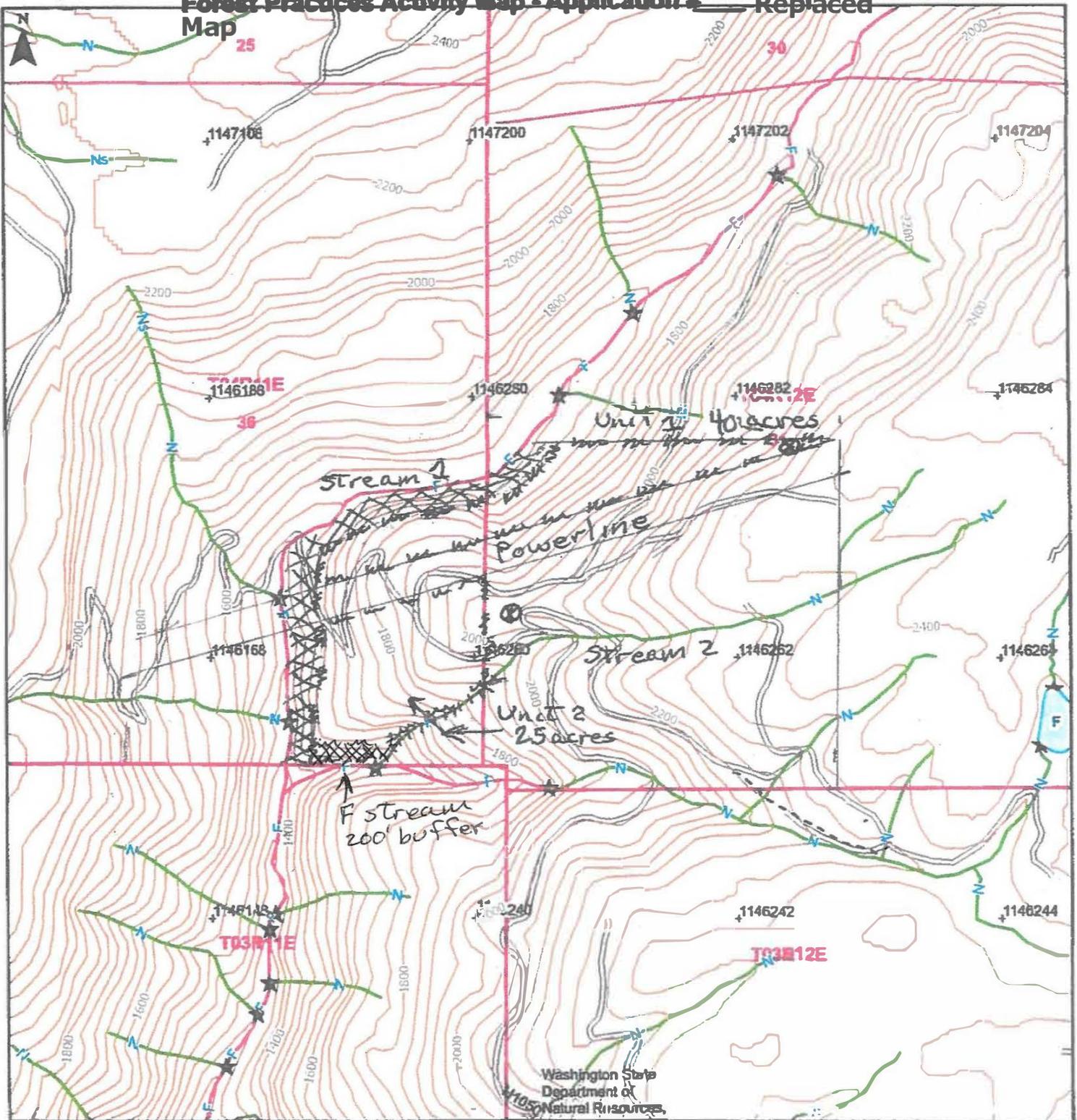
E-Mail Address (optional): \_\_\_\_\_ Phone Number: \_\_\_\_\_

Printed Name of Contact Person (if different from landowner): \_\_\_\_\_

E-Mail Address (optional): \_\_\_\_\_ Phone Number: \_\_\_\_\_



<p><b>Map Symbols</b></p> <ul style="list-style-type: none"> <li>--- Harvest Boundary</li> <li>--- Road Construction</li> <li>~ Stream</li> <li>[Hatched Box] RMZ / WMZ Buffers</li> <li>X Rock Pit</li> <li>⊙ Landing</li> <li>▽ Waste Area</li> <li>🌲 Clumped WRTS/GRTS</li> <li>🏠 Existing Structure</li> </ul>	<p><b>Additional Information</b></p> <p>Stream 1 Major-Creek (F) 200' Buffer                  Stream 2 (Np) 50' Buffer                  @ hi lead landings</p>	<p><b>Legal Description</b></p> <p>S31 T04.0N R12.0E                  S36 T04.0N R11.0E</p>
	<p>Extreme care was used during the compilation of this map to ensure its accuracy. However, due to changes in data and the need to rely on outside information, the Department of Natural Resources cannot accept responsibility for errors or omissions, and therefore, there are no warranties that accompany this material.</p>	<p>0 0.25 Miles</p> <p>Date: 12/23/2020 Time: 3:52:27 AM</p>



Map Symbols	
	Harvest Boundary
	Road Construction
	Stream
	RMZ/WMZ Buffers
	Rock Pit
	Landing
	Waste Area
	Cleared WRTS/GRTS
	Existing Structure

**Additional Information**  
 Stream 1 Major-Creek (F) 200' Buffer  
 Stream 2 (Mp) 50' Buffer  
 @ hi lead landings

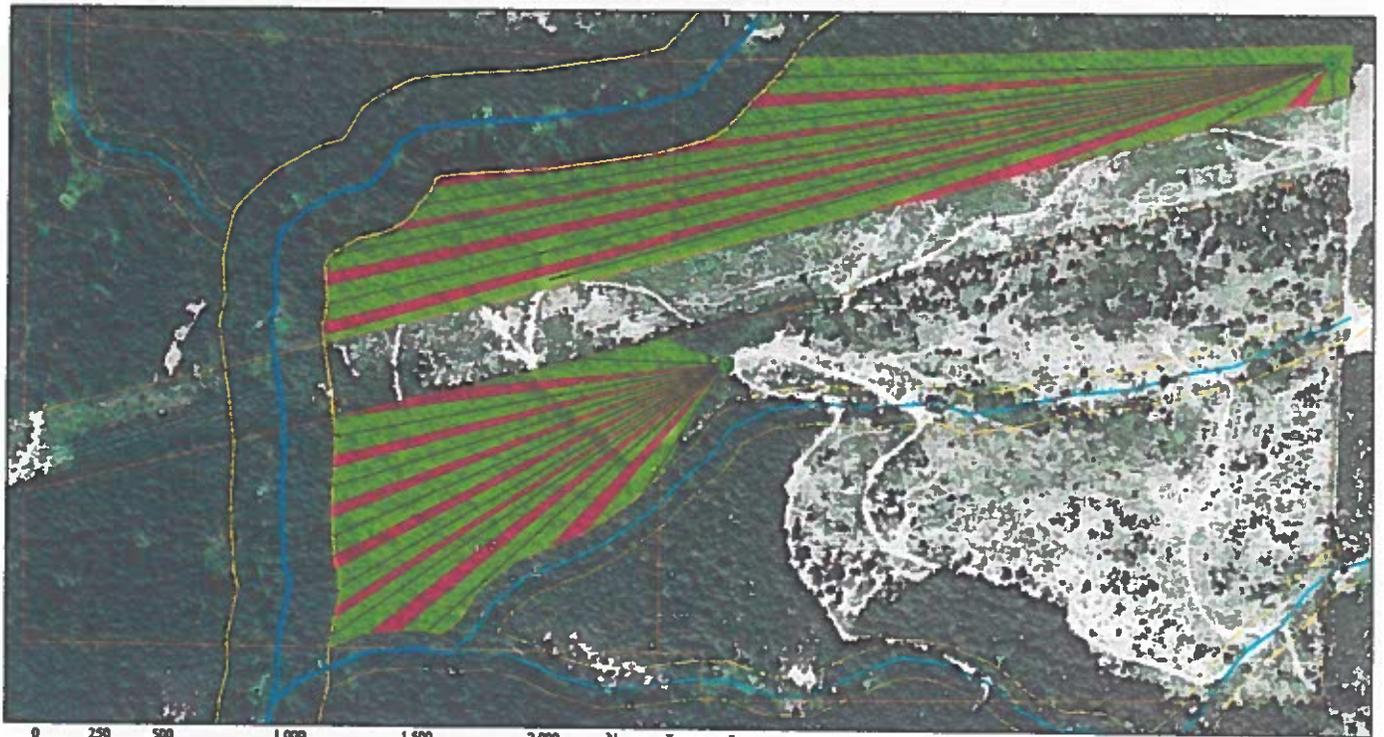
**Legal Description**  
 S31 T04.0N R12.0E  
 S36 T04.0N R11.0E



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0 0.25 Miles  
 Date: 12/23/2020 Time: 3:52:27 AM

### Synergy



1:4,000  
Coordinate System: NAD 1983 StatePlane: Washington South FIPS 4602 Feet  
Projection: Lambert Conformal Conic  
Datum: North American 1983



#### Legend

- 50' Buffer
- Cable Corridor
- Landing
- Cable
- Synergy Property Line
- East Fork Major Creek
- Tributary
- RMZ Boundary

**CRGNSA CONSISTENCY DETERMINATION  
SYNERGY FOREST PRACTICE, CD-20-02-S  
PARCEL/TAX LOTS # 0411360001100, 04123100000300,  
COLUMBIA RIVER GORGE NATIONAL SCENIC AREA  
Klickitat County, Washington  
December 14, 2020**

**BACKGROUND**

The proposed forest practice for resource enhancement is required to be consistent with the purposes of the Columbia River Gorge National Scenic Area Act as determined by the Forest Service pursuant to Section 14(d) of the Columbia River Gorge National Scenic Area Act. A complete consistency review application was received in my office in March, 2020.

**DECISION**

I find that the above proposal is consistent with the Columbia River Gorge National Scenic Area (CRGNSA) Management Plan provided that it is implemented as described in the application materials, the CRGNSA Consistency Determination Findings of Fact, referenced as CD-20-02-S, and provided the following conditions are applied:

1. Any forest openings created as a result of the prescription for thinning of all Douglas firs around larger pines and around oak stands will be less than one acre in size and will retain between 0% and 40% canopy cover.
2. Should any historic or prehistoric cultural resources be uncovered during project activities, the applicant shall cease work and immediately notify the USFS-CRGNSA office and the Washington Department of Archeology and Historical Preservation. The applicant should also notify the Indian Tribal governments within 24 hours if the resources are prehistoric or otherwise associated with Native American Indians.
3. The applicant will delineate the water resource buffers in the field using the bank-full flow boundary.
4. Protect all western gray squirrel nests and nest trees – no nest trees may be felled. Adhere to any other protections for western gray squirrels required by WDFW in the state-issued WADNR forest practice permit.
5. To minimize the potential for disturbance to spotted owls during the critical spotted owl nesting period, project work involving the use of loud equipment may not occur from March 1 thru July 15.



6. Large (greater than 20-inch dbh) snags will be retained unless they are required to be felled for safety or operational purposes. Large snags that are felled will be left on the ground to contribute to down wood.
7. Within one year of project completion, 80% of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80% vegetative cover.
8. Created forest openings will not exceed 10% of the overall treatment area.
9. In addition to the conditions above, the applicant will adhere to all conditions and requirements of the Washington State Department of Natural Resources forest practice permit.

**ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES**

A written request for review of this Consistency Determination, with reasons to support the request, must be received within 20 days of the date shown with the Forest Supervisor signature below. Requests for review should be addressed to: Request for Review, Regional Forester, P.O. Box 3623, Portland, OR 97208. A copy of the request should be sent to: Casey Gatz, Columbia River Gorge National Scenic Area, 902 Wasco Ave., Suite 200, Hood River, OR 97031, or by e-mail: *casey.gatz@usda.gov*.

**IMPLEMENTATION DATE**

This project may begin immediately as long as it complies with the conditions as described in items (1-9) above. This decision expires two years after the date on this determination. If implementation has not commenced before that date, a new consistency review or extension shall be required.

**CONTACT**

The Columbia River Gorge National Scenic Area staff prepared an analysis file in conjunction with this project. For further information, contact Casey Gatz at the Columbia River Gorge National Scenic Area, phone: (503) 319-1300, e-mail: *casey.gatz@usda.gov*.

---

LYNN BURDITT  
Forest Supervisor

12/16/2020

Date



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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

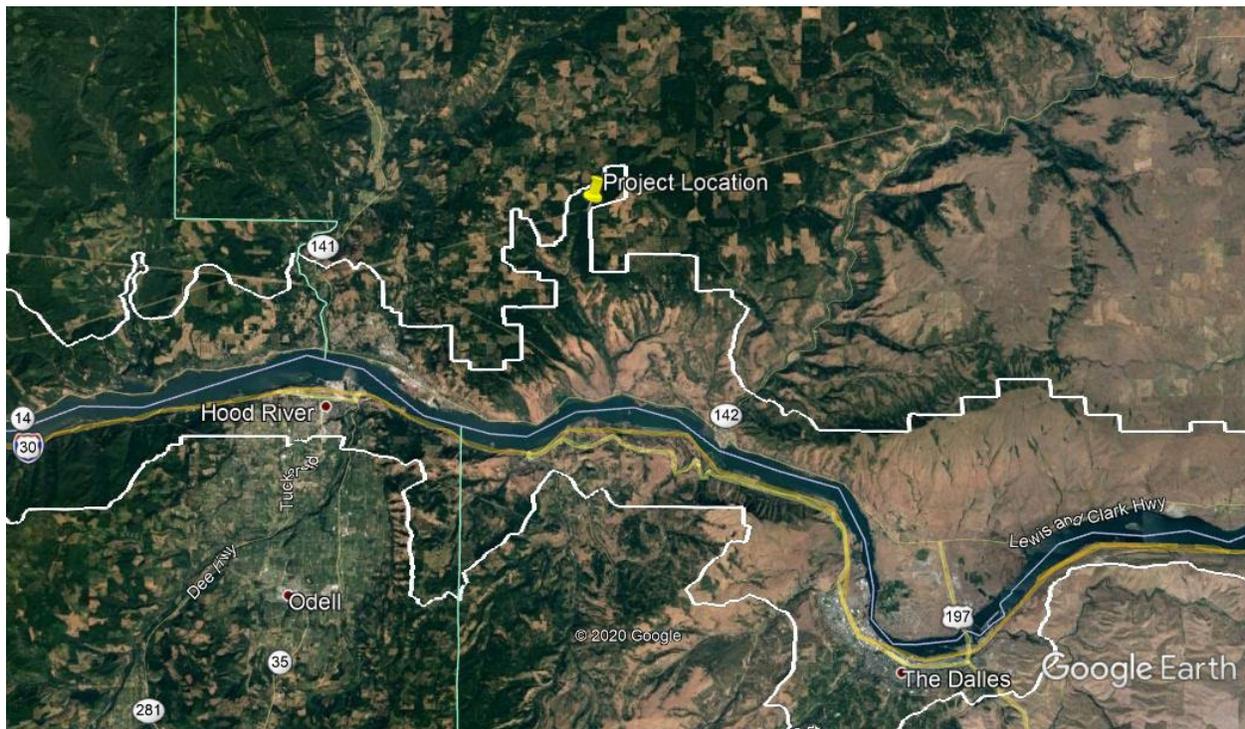
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## FINDINGS OF FACT

LANDOWNER:	Cornell Rotschy, Synergy Resources LLC
APPLICANT:	Stephen Head, Green Light Renewable Resources, Ltd.
PROPOSED ACTION:	A forest practice for the purpose of enhancing forest structure, fire resiliency, and ecological function.
LOCATION:	T4N, R12E, Sec. 31, SW ¼; T4N, R11E, Sec 36, SE ¼
NATIONAL SCENIC AREA DESIGNATION:	Special Management Area (SMA)
LAND USE DESIGNATION:	SMA Open Space
LANDSCAPE SETTING	Gorge Walls, Canyonlands and Wildlands

The following findings of fact contain the applicable standards and guidelines from the CRGNSA Management Plan. The Management Plan, as adopted in 2004 and updated in 2016, is in effect. The CRGNSA Management Plan standards and guidelines are displayed in regular type. The findings are displayed in **bold type**.

*The image below shows the project location within the CRGNSA. The white line is the CRGNSA boundary.*



## A. PUBLIC COMMENT

A notice describing the project was sent to a mailing list of known interested parties and adjacent landowners on July 9, 2020. A period of 30 days was allowed for public comment. One comment was received.

*Comment: Friends of the Columbia Gorge submitted a comment letter stating that the proposed action is a commercial forest practice and should be denied because commercial forest practices are prohibited in the SMA Open Space land use designation.*

*Response: The proposed activity is a forest practice for the restoration of forest health and is consistent with the definition of a resource enhancement project. This is an allowed use in the SMA Open Space land use designation, subject to the SMA forest practice guidelines in the Management Plan Part II, Chapter 2. These findings of fact document the proposal's consistency with the applicable guidelines in the Management Plan.*

## B. PROJECT PROPOSAL

The proposal is a forest practice for the purpose of enhancing the forest structure, fire resiliency, and ecological function, and to help the existing stands achieve old-growth characteristics more quickly. The existing 65-acre forested stand is primarily Douglas fir with some ponderosa pine, grand fir, and a minor hardwood component, including a few small stands of Oregon white oak. The silvicultural prescription is a thinning from below (removing the smaller trees and leaving the larger trees) to a density of approximately 60-80 trees per acre but never dropping below 75% average canopy closure. All pines, grand fir, and hardwoods would be retained. All pines greater than 16 inches in diameter at breast height (dbh) would be given adequate space to ensure survival by thinning all or most trees within a 40-foot radius. All oak stands with trees greater than 10 inches dbh would be protected by removing all firs within 40 feet.

There are no activities proposed within any water resource buffers. Exclusion of the water resource buffers reduces the actual activity acreage to about 51 acres. There are no new roads or skid trails proposed. To minimize ground disturbance, trees would be felled by hand and thinned trees would be removed using a high-line cable system. The high-line corridors (approximately 10 feet wide) would be established approximately every 200 ft to allow reaching most of the area. All areas not reachable by cable would be thinned to prescription by creating snags, falling and leaving the logs in place as large down wood, or left at their existing higher densities as part of an overall forest mosaic pattern.

The proposal is described in detail in the project application and associated Stewardship Plan, which are attached to this Findings of Fact document.

## C. LAND USE DESIGNATIONS

The project site is in the SMA Open Space land use designation.

*The Management Plan, Part II, Chapter 3 (Open Space), SMA Guidelines, Review Uses, states:*

1. An Open Space plan shall be completed by the primary managing agency or landowner prior to any new land uses or development, and shall be reviewed by the Forest Service. The Open Space plan shall include the following:

- A. Direction for resource protection, enhancement, and management.
- B. Review of existing uses to determine compatibility with Open Space values.
- C. Consultation with members of the public and with agency and resource specialists.

**Finding: The 1995 Catherine Creek/Major Creek Open Space Plan meets these requirements.**

2. The following new uses may be allowed on lands designated Open Space subject to review for compliance with scenic, cultural, natural, and recreational resources guidelines:

- B. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to the guidelines in "Resource Enhancement Projects" (Part II, Chapter 7: General Policies and Guidelines). These projects may include vegetation management and forest practices (subject to the forest practice guidelines of Part II, Chapter 2: Forest Land) for the restoration of forest health, new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

**Finding: The proposal is located within the Special Management Area (SMA), Open Space Land Use Designation. The proposed use is a forest practice for the purpose of enhancing forest structure, fire resiliency, and ecological function, and to encourage development of old-growth forest characteristics. The proposal is consistent with the definition of a Resource Enhancement Project. The proposed use qualifies as a review use. The proposal will be reviewed as a Resource Enhance Project and is subject to compliance with the SMA Forest Practice guidelines of Part II, Chapter 2: Forest Land.**

*The Management Plan, Part III, Chapter 7 General Policies and Guidelines, Resource Enhancement Projects, states:*

GMA/SMA Guidelines

1. Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project.

**The application material, which includes a Stewardship Plan, describes the goals and benefits of the project: “The objective of this forest health proposal is to thin out a mid-seral, over-stocked DF dominated forest resulting in a more open, widely –spaced DF stand with more ponderosa pines , greater fire resiliency, and reduced fuel loading. The residual DF and PP will respond favorably gaining growth and girth towards old-growth forest structure. The anticipated change in canopy cover will be minimal because the largest trees will be retained and these are currently providing the majority of the canopy cover. It is estimated that the**

*canopy cover is about 90% currently and after this prescription the canopy cover will be reduced to 60-70% for the first 5-10 years after which the canopy cover will increase (trees will show a growth spurt due to less competition) towards 80-90% (desirable)."*

**The application material thoroughly documents the condition of the existing forest stand:** *"The existing stand is greatly over-stocked with approximately 150 trees/ ac and a canopy closure close to 90-100%. The stand, formally owned by Broughton Lumber Co., was logged about 70-80 years ago. The subsequent regrowth was not thinned creating a high density of young trees (60-70 yrs old) with an estimated average dbh of 18". In places there is substantial brush in the understory being shaded out by the growing DF. Although the predominant species of tree is Douglas fir, there are scattered ponderosa pines and fewer grand firs."*

**The prescription describes the condition of the forested stand immediately after the proposed thinning:** *"All pines, grand fir, and hardwoods (including oaks) will be retained. All pines greater than 16" dbh will be given adequate space to ensure survival by thinning all or most trees within a 40 ft radius. All oak stands (there are only a few small stands) with trees greater than 10" dbh will be protected by removing all firs within 40 ft.... The average canopy closure will not be below 75%. ... The treatment will result in a forested stand with about 80-100 trees/ac."*

**The Stewardship Plan also includes a long term desired future condition for this forest stand:** *The long-term goal is to continue this approach and eventually change the current overstocked, DF [Douglas fir] -dominant forest to a PP [ponderosa pine] dominated, open conifer forest. This will take another 90-120 years wherein there will be 3-4 more proposed entries (thinning), each influencing the retention of PP and older trees; thus continuously approaching the long-term desired condition as described above. It is anticipated that the canopy cover will decrease slowly over time with each new entry as the forest trees become more widely spaced.*

**Finding:** The application material satisfies the requirements for a Resource Enhancement Project. The proposal is consistent with the Open Space Plan Resource Enhancement objective to mimic "Pre-European settlement" disturbance patterns using prescribed burning or forest thinning to mimic fire cycle.

*The Management Plan, Part II, Chapter 2 Forest Land, SMA Guidelines, Review Uses, states:*

1. X. Forest practices in accordance with an approved forest practices application (see application requirements) and subject to the additional guidelines in this chapter.
  - (1) The following information, in addition to general site plan requirements (see Part II, Chapter 7: General Policies and Guidelines) shall be required:
    - (a) Delineate the following on a recent aerial photo or detailed map:
      - (i) The size, shape, and exact location of the proposed treatment area including any clumps of leave trees to remain. If more than one silvicultural prescription is to be used, code each on the photo.

- (ii) Other important natural features of the subject parcel such as steep areas, streams, wetlands, rock outcrops, etc.
- (iii) Road and structure construction and/or reconstruction location.
- (iv) Location of proposed rock or aggregate sources.
- (v) Major skid trails, landings, and yarding corridors.
- (vi) Commercial firewood cutting areas.
- (vii) Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.

(b) Describe the existing forest in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(c) Describe how the forest practice will fit into the existing landscape pattern and how it will meet scenic and natural resource standards in Review Uses 1.X(4)(a-g) and 1.X(5)(a-d).

(d) Written silvicultural prescriptions with projected post-treatment forest condition specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(e) Road and structure construction and/or reconstruction design.

(f) Existing and proposed rock pit development plans.

(g) A discussion of slash disposal methods.

(h) A reforestation plan as reviewed by the appropriate state forest practices agency.

**Finding: The initial draft application for this proposal was received in August 2019. The application, maps and stewardship plan were reviewed by the Forest Service and returned to the applicant for some clarifications. A revised application was received and deemed complete in March, 2020. The application, site plan, and associated maps and stewardship plan contain the required information and fulfill the above requirements. Note that while the application indicates a 200-acre parcel, only the 65-acre section to the east of East Fork Major Creek is proposed for thinning activities. No project activities would take place west of East Fork Major Creek or within any water resource buffers, and the active treatment acreage is approximately 51 acres.**

(2) As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.

**Finding: Forest Service specialists met with the applicant and the applicant’s consulting forester on the project site on March 3, 2020. Resource buffers, the access road, and the landing opening location were clearly identified for field review. The applicant will physically delineate the water resource buffers in the field prior to beginning any thinning activities. Additional tree and boundary marking may be required by the Washington Department of Natural Resources in the state-issued forest practice permit.**

(3) Stewardship Plan Requirements: The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements (see Part II, Chapter 7: General Policies and Guidelines) shall be provided:

- (a) Outline the long term goals, proposed operations, and future sustainability of the subject parcel.
- (b) Describe the time frame and steps planned to reach the long term goals.
- (c) For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and/or forest health. The following shall be addressed:
  - (i) Describe the range of natural conditions expected in the forest in terms of tree species, structure, and landscape pattern.
  - (ii) Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.
  - (iii) Give a clear explanation how a deviation from the applicable guidelines may better achieve forest health objectives.
  - (iv) Give a clear explanation how and why the proposed activities will lead the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.

(d) For clearing trees for new agricultural use, the following shall be addressed in addition to X(3)(a) and (b) above:

***The (d) guidelines for clearing trees for a new agricultural use are not applicable.***

(4) For forest practices, the following scenic resource guidelines shall apply:

***See the Scenic Resources section for these guidelines and Findings***

(5) Forest practices shall maintain the following in addition to applicable natural resources guidelines in Part I, Chapter 4, SMA Natural Resources:

***See the Natural Resources section for these guidelines and Findings***

**Finding: The proposed forest resource enhancement project qualifies as a Review Use. Forest practice guidelines 1, 2, and 3 have been met in the Application and Stewardship**

**Plan provided by the applicant. Forest practice guidelines 1.X.4 (Scenic) and 1.X.5 (Natural Resources - Desired Forest Structure and Pattern) are addressed in these Findings of Fact under the appropriate resource headings.**

## **D. SCENIC RESOURCES**

**Finding: The site is within the Gorge Walls, Canyonlands and Wildlands Landscape Setting.**

*The Management Plan, Part I, Chapter 1 (Scenic Resources), SMA guidelines, states:*

### SMA Design Guidelines Based on Landscape Settings

1. The following guidelines apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas seen from KVAs as well as areas not seen from KVAs):

- E. Gorge Walls, Canyonlands, and Wildlands: New developments and land uses shall retain the overall visual character of the natural-appearing landscape.
- (1) Structures, including signs, shall have a rustic appearance, use nonreflective materials, have low contrast with the surrounding landscape, and be of a Cascadian architectural style.
  - (2) Temporary roads shall be promptly closed and revegetated.
  - (3) New utilities shall be below ground surface, where feasible.
  - (4) Use of plant species non-native to the Columbia River Gorge shall not be allowed.

**Finding: The Landscape Setting is Gorge Walls, Canyonlands and Wildlands.**

**The proposal does not include any structural or facility development, therefore E(1) through E(4) are not applicable. The applicable review standard is whether the land use retains the overall visual character of the natural-appearing landscape.**

**The Management Plan Overview and Land Use for this setting states:** *This setting represents the bluffs, cliffs and steep slopes that form the walls of the Gorge and the deeply incised canyons of the Columbia River's major tributaries. Because of extreme steepness, and in some cases inaccessibility and instability, these areas are largely undeveloped. They represent some of the most natural settings in GMA lands, despite the proximity of some of these areas to major thoroughfares. Prevailing land use in these areas is undeveloped vacant land, although low-intensity recreation use and some silviculture occur in a few limited areas. (MP I-1-28)*

**The overall character of this Landscape Setting as described in the Management Plan is primarily determined by landform:** *The landform component of this setting is a much greater determinant of its character than is true for any other setting. Steep wooded slopes, canyon walls, and sheer rock faces characterize this setting. In the side canyons, small ribbons of riparian floodplain areas also occur. (MP I-1-28)*

**Vegetation in this Landscape Setting is described in the Management Plan as:** *The steepest portions of this setting are rocky cliffs devoid of much vegetation or loose talus slopes with limited vegetation (although such slopes often include large, old fir, pine, and maple trees).*

Other portions of this setting include stands of large fir and pine trees, some of which appear to be the original forest cover. (MP I-1-28).

**The proposal’s silvicultural prescription will retain an average of 75% canopy closure. Actual canopy closure will vary across the 65-acre site as a result of the silvicultural prescription, which favors retention of the largest trees and will result in occasional patchy openings in locations where more firs are removed around the larger diameter pines and around the small oak stands. The cable corridors are likely to be visible as narrow striations in the canopy for several years. They will grow fainter and should become indiscernible within five to seven years as the adjacent canopy closes over them and as naturally occurring shrubs and seedlings or newly planted trees within them grow. The targeted canopy cover is consistent with the historic forest structure in the area and the long-term goal of the stewardship plan is to move the forest toward a more historic forest structure and pattern. The visual character of the natural landscape will be retained.**

SMA Guidelines for Development and Uses Visible from KVAs  
(Guidelines 4-5, 8-14 are not applicable and not included)

1. The guidelines in this section shall apply to proposed developments on sites topographically visible from key viewing areas.  
**Finding: The site is not topographically visible from any KVAs. These guidelines are not applicable.**

SMA Guidelines for KVA Foregrounds and Scenic Routes

1. All new developments and land uses immediately adjacent to scenic routes shall be in conformance with state or county scenic route guidelines.

**Finding: These guidelines are not applicable because there are no KVAs or KVA scenic routes in the foreground.**

SMA Guidelines for Areas Not Seen from KVAs

1. Unless expressly exempted by other provisions in this chapter, colors of structures on sites not visible from key viewing areas shall be earth-tones found at the specific site. The specific colors or list of acceptable colors shall be approved as a condition of approval, drawing from the recommended palette of colors included in the *Scenic Resources Implementation Handbook*.

**Finding: There are no structures proposed. These guidelines are not applicable.**

*The Management Plan, Part II, Chapter 2 (Forest Land), SMA guidelines, Review Uses states:*

- 1.X.(4) For forest practices, the following scenic resource guidelines shall apply:
  - (a) Forest practices shall meet the design guidelines and scenic standards for the applicable landscape setting and zone (See Required SMA Scenic Standards table, SMA Guidelines for Development Visible from KVAs, SMA Scenic Resource Provisions, Part I, Chapter I).

**Finding: See the findings for SMA Guidelines for Development and Uses Visible from KVAs above.**

(b) In the western portion (to White Salmon River) of the SMA Coniferous Woodland Landscape Setting, no more than 8% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the Forest Service.

**Finding: The site is east of the White Salmon River. This guideline does not apply.**

(c) In the western portion (to the White Salmon River) of the SMA Gorge Walls, Canyonlands and Wildlands Landscape Setting, no more than 4% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the Forest Service.

**Finding: The site is east of the White Salmon River. This guideline does not apply.**

(d) For all other landscape settings, created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in Natural Resources guidelines in Review Uses 1.X(5)(a)-(c) in this chapter.

**Finding: See the findings in the Natural Resources section below.**

(e) Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in Natural Resources guidelines in Review Uses 1.X(5)(a)-(c) in this chapter.

**Finding: See the findings in the Natural Resources section below.**

(f) The maximum size of any created forest opening is set forth by the “Desired” vegetation type in the Forest Structure and Pattern Table.

(i) If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.

(ii) If the Stewardship Plan proves that the above guideline is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.

(g) Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from a key viewing area.

**Finding: The Vegetation Type is East Conifer (Ponderosa Pine/Douglas Fir). The “Desired” typical forest opening size is *“Openings less than one acre; Openings have 0-40% canopy closure; Openings widely dispersed.”***

**The proposal includes one created opening – an approximately one-acre opening at the northeast corner of the parcel where the high-line cable tower and landing will be located. There is expected to be 0% canopy closure in this opening. Based on the silvicultural prescription, there will be additional scattered openings of about 1/8-acre in size around the largest ponderosa pines and around the few small oak**

stands. It is possible that in some cases several of these ~1/8-acre openings would be adjacent or overlapping. All these openings will have some degree of canopy closure (> 0%) comprised of the pines or oaks they are created to release, and the number of trees that would be retained within the openings based on the prescription and stewardship plan, which call for pines > 10" dbh, grand fir, and hardwood trees to be retained. It is likely that these small openings will be widely and irregularly dispersed. The stewardship plan does not indicate that the created opening guidelines are detrimental to forest health. The stewardship plan also does not explicitly call for any intentionally created openings greater than one acre in size. Therefore, the following condition of approval is recommend, and is likely to be in alignment with the overall silvicultural prescription. With this condition in place the proposed forest resource enhancement thinning will be consistent with the "Desired" typical forest opening size as described in the Desired Forest Structure and Pattern table.

- *Condition of approval: Any forest openings created as a result of the prescription for thinning of all Douglas firs around larger pines and around oak stands will be less than one acre in size and will retain between 0 and 40% canopy cover.*

Because the project site is not topographically visible from any KVAs, guideline (g) is not applicable.

## E. CULTURAL RESOURCES

*The Management Plan, Part I, Chapter 2 (Cultural Resources), states:*

### 1. SMA Guidelines

All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 CFR 61.

**Finding: The proposed forest thinning was reviewed by the Forest Service Heritage Program Manager, who determined that a cultural resource reconnaissance survey is not required for the proposed land use.**

1. For federal or federally assisted undertakings, the reviewing agency shall complete its consultation responsibilities under Section 106 of the Historic Preservation Act of 1966 [36 CFR 800.2].

**Finding: This is not a federal undertaking as defined under Section 106 of the NHPA. The CRGNSA Management Plan for projects within the SMA provides direction.**

3. Discovery during construction: All authorizations for new developments or land uses shall require the immediate notification of the reviewing agency if cultural resources are discovered during construction or development. If cultural resources are discovered, particularly human

bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery and recommend measures to protect and/or recover the resource. If the discovered material is suspected to be human bone or a burial, the following procedures shall be used:

- A. The applicant shall stop all work in the vicinity of the discovery.
- B. The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the county coroner, and appropriate law enforcement agencies.
- C. The Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.

**The following condition of approval should be applied to the project:**

- ***Condition of approval: A condition should be placed stating that should any historic or prehistoric cultural resources be uncovered during project activities, the applicant shall cease work and immediately notify the USFS-CRGNSA office and the Washington Department of Archeology and Historical Preservation. The applicant should also notify the Indian Tribal governments within 24 hours if the resources are prehistoric or otherwise associated with Native American Indians.***

5. Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed developments that are subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan. (Added: U.S. Sec. Ag. concurrence 7/1/11)

**Finding: Because there are no anticipated effects to cultural resources associated with the proposal, there are no cumulative effects.**

## **F. NATURAL RESOURCES**

*The Management Plan, Part I, Chapter 3 (Natural Resources), SMA Provisions, states:*

### SMA Guidelines

1. All new developments and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Comments from state and federal agencies shall be carefully considered. (Site plans are described under “Review Uses” in Part II, Chapter 7: General Policies and Guidelines.)
2. Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)
  - A. All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in 2.A.(2)(a) and 2(b) below. These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined below.

- (1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.

**Finding: No activities are proposed within the buffer zones. A mitigation plan is not required.**

- (2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:

- (a) A minimum 200 foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.

**Finding: A 200-foot buffer will be applied to East Fork Major Creek, which is a perennial fish bearing stream.**

- (b) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.

**Finding: A 50-foot buffer will be applied to the unnamed intermittent non-fish-bearing tributary to East Fork Major Creek.**

- (3) The buffer width shall be increased for the following:
  - (a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.
  - (b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.
  - (c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

**Finding: None of these conditions is present in the proposed treatment units. There is no requirement to increase the buffer width.**

- (4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:

**Finding: There is no request or requirement to reconfigure a buffer zone. The remaining guidelines in this section are not applicable.**

- B. When a buffer zone is disturbed by a new use, it shall be replanted with only native plant species of the Columbia River Gorge.

**Finding: There are no activities proposed in water resource buffer zones. This guideline is not applicable.**

C. The applicant shall be responsible for identifying all water resources and their appropriate buffers (see above).

**Finding: The applicant identified all water resources and their appropriate buffers in the application material and site plan.**

D. Wetlands Boundaries shall be delineated using the following:

**Finding: There are no wetlands within or near the proposed project area. The wetland guidelines are not applicable.**

E. Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.

**Finding: The applicant appropriately identified and depicted all water resource buffers in the application material. To determine the exact location of the buffers in the field, the following condition of approval should be applied.**

➤ *Condition of approval: The applicant will delineate the water resource buffers in the field using the bank-full flow boundary.*

F. The local government may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested services, at the project applicant's expense, or the local government will ask for technical assistance from the Forest Service to render a final delineation.

**Finding: There is no anticipated need to adjust the bank-full boundary of the streams within the project area. Forest Service specialists may conduct one or more field visits to verify the bank full flow boundary and the buffer delineations.**

G. Buffer zones shall be undisturbed unless the following criteria have been satisfied:

**Finding: There are no activities proposed within the water resource buffers. These guidelines are not applicable.**

H. Determination of potential natural resources effects shall include consideration of cumulative effects of proposed developments within the following areas: wetlands, streams, ponds, lakes, riparian areas and their buffer zones. (Added: U.S. Sec. Ag. concurrence 7/1/11)

**Finding: No activities or developments are proposed within any wetlands, streams, ponds, lakes, riparian areas and their buffer zones. Because there are no activities or developments, there are no cumulative effects to these areas.**

## 2. Wildlife and Plants

- A. Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 ft of a sensitive wildlife/plant site and/or area. Sensitive Wildlife Areas are those areas depicted in the wildlife inventory and listed in Table 2, including all Priority Habitats listed in this Chapter. The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

**Finding: The project site is within 1000 feet of riparian and oak habitats, and contains snag and down log habitat. The guidelines for protection of sensitive wildlife/plant areas are applicable to this project.**

- B. The local government shall submit site plans (of uses that are proposed within 1,000 feet of a sensitive wildlife and/or plant area or site) for review to the Forest Service and the appropriate state agencies (Oregon Department of Fish and Wildlife or the Washington Department of Wildlife for wildlife issues and by the Oregon or Washington Natural Heritage Program for plant issues).

**Finding: Forest Service specialists consulted with specialists from the Washington State Department of Fish and Wildlife and the Washington Natural Heritage Program. There are no known or suspected sensitive plant sites within the project area or within 1000 feet of the project boundaries. The project area contains potential habitat for western grey squirrels and northern spotted owls.**

**Findings for wildlife, plants and priority habitats are located below the Priority Habitats Table at the end of this section.**

- C. The Forest Service wildlife biologists and/or botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:
- (1) Identify/verify the precise location of the wildlife and/or plant area or site,
  - (2) Determine if a field survey will be required,
  - (3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse effects (including cumulative effects) to the wildlife or plant area or site. This would include considering the time of year when wildlife or plant species are sensitive to disturbance, such as nesting and rearing seasons, or flowering season, and
  - (4) Delineate the undisturbed 200 ft buffer on the site plan for sensitive plants and/or the appropriate buffer for sensitive wildlife areas or sites, including nesting, roosting and perching sites.

**Finding: There are no known sensitive plant sites or sensitive wildlife sites in the project area or within 1000 feet of the project and therefore no requirement to delineate 200-foot buffers.**

- D. The local government, in consultation with the State and federal wildlife biologists and/or botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure

that the proposed developments or uses do not compromise the integrity and function of or result in adverse effects to the wildlife or plant area or site:

- (1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron; the Washington Department of Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander.
- (2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
- (3) Historic, current, and proposed uses in the vicinity of the sensitive wildlife/plant area or site.
- (4) Existing condition of the wildlife/plant area or site and the surrounding habitat and the useful life of the area or site.
- (5) In areas of winter range, habitat components, such as forage and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.

**Finding: The project area is not within winter range for deer and elk.**

- (6) The site plan is consistent with the "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2000) and the Washington guidelines when they become finalized.

**Finding: No in-water work is proposed.**

- (7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.

**Finding: see the findings for Wildlife below.**

- (8) The site plan illustrates that new developments and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.

**Finding: No new developments are proposed. Average forest canopy closure will be 75% after the thinning is completed, with patches of denser and more open habitat. Fish and wildlife passage through the forest stand will not be impeded.**

- (9) Maintain, protect, and enhance the integrity and function of Priority Habitats (such as old growth forests, talus slopes, and oak woodlands) as listed on the following Priority Habitats Table. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

Priority Habitats Table	
Priority Habitats	Criteria
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.

Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
<b>Oregon white oak woodlands</b>	<b>Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability.</b>
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
<b>Riparian</b>	<b>High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.</b>
Wetlands	High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.
<b>Snags and logs</b>	<b>High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.</b>
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.

**Findings – Wildlife: The Forest Service wildlife biologist consulted with the Washington State Department of Fish and Wildlife biologist, who determined that surveys for western gray squirrels are required.**

- *Condition of approval: If western gray squirrel nests are found during surveys, the following mitigations will apply as conditions of approval:*
  - *Protect all western gray squirrel nests and nest trees – no nest trees may be felled. Adhere to any other protections for western gray squirrels required by WDFW in the state-issued WADNR forest practice permit.*

The project is within suitable northern spotted owl nesting habitat. There are no historic spotted owl circles near the project area. The project area is not within a WDFW special emphasis zone. However, because no protocol surveys are being done for spotted owl presence, the following condition of approval should be applied to minimize the potential for disturbance to spotted owls:

- *Condition of approval: To minimize the potential for disturbance to spotted owls during the critical spotted owl nesting period, project work involving the use of loud equipment may not occur from March 1 thru July 15.*

**Findings – Plants: There are no known sensitive plant sites within the project area.**

**Findings – Priority Habitats:** The overall project area contains riparian habitat, snags and logs habitat, and small stands of Oregon white oak habitat. While the oak habitat patches are not contiguous oak woodlands, they are still a priority for protection.

- **Riparian habitat:** No activities are proposed within the riparian buffers, and the integrity and function of these riparian habitats will be protected by these undisturbed buffer zones.
- **Oregon white oak habitat:** Oaks require sunlight and will decline and die if shaded out by encroaching conifers. White oak patches will be protected and enhanced through the proposed silvicultural prescription, which specifies that no oaks will be cut and removes encroaching Douglas fir within 40 feet of these oak trees. The integrity and function of white oak habitat will be improved by this proposal.
- **Snags and logs:** Snags and down wood are likely to be enhanced as a result of the proposed treatment. The high-line yarding system as designed intentionally leaves areas where thinned trees will not be removed. In those areas the silvicultural prescription will be implemented through felling and leaving trees, or through the creation of standing snags. In areas where this would result in an undesirably high fuel load, no activities would occur, and those areas would remain at their current densities and canopy cover. The prescription does not include the removal of existing down logs. A recommended condition of approval for retention of large snags is below:

- *Condition of approval: Large (greater than 20-inch dbh) snags will be retained unless they are required to be felled for safety or operational purposes. Large snags that are felled will be left on the ground to contribute to down wood.*

E. The wildlife/plant protection process may terminate if the local government, in consultation with the Forest Service and state wildlife agency or Heritage program, determines (1) the sensitive wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the local government shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

**Conclusion – Natural Resources:** With the above conditions of approval for the protection of wildlife areas and priority habitats, the project satisfies all relevant guidelines for the protection of wildlife areas and sites and priority habitats. The wildlife/plant protection process may conclude. There are no adverse effects anticipated, and therefore there would be no cumulative adverse effects resulting from this proposal.

#### 4. Soil Productivity

A. Soil productivity shall be protected using the following guidelines:

- (1) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.
- (2) New developments and land uses shall control all soil movement within the area shown on the site plan.
- (3) The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.
- (4) Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

**Finding: Because the site will be thinned using a high-lead cable yarding system, there are no new roads, skid trails, or use of ground-based machinery proposed, and felling will be conducted by hand, there is likely to be minimal ground disturbance associated with this proposal. Ground disturbance will largely be confined to the one-acre opening at the NE corner of the project area where the cable tower and landing are located. This location is well-drained and is not near any streams or other aquatic resources. Ground disturbance will not exceed 15% of the project area. Guideline 4(A)(4) is included as a condition of approval:**

- *Condition of approval: Within one year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.*

**The remaining guidelines in this section are not applicable.**

SMA Natural Resource Guidelines for Forest Practices

*The Management Plan, Part II, Chapter 2 (Forest Land), SMA guidelines, states:*

1.X.(5) Forest practices shall maintain the following in addition to applicable natural resources guidelines in Part I, Chapter 3, SMA Natural Resources:

(a) Silvicultural prescriptions shall maintain the desired natural forest stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.

**Finding: The relevant vegetation type is East Conifer (Ponderosa Pine/Douglas Fir). The Desired Forest Structure and Pattern Table in the Management Plan includes these desired forest structure and pattern descriptions for East Conifer vegetation type.**

- Forest Structure (average percent canopy closure): 40% to 80% canopy closure, with understory layer less than 25% of total canopy closure.  
**Finding: The prescription calls for an average canopy closure of not below 75%. The stewardship plan describes a range of post-activity canopy closure of between 60-70% in thinned areas for the first 5-10 years, and increasing thereafter. (Understory is not considered as a component of canopy in the prescription or the stewardship plan.) These canopy cover values are consistent with the Desired Forest Structure and Pattern of 40-80% canopy closure for this forest type.**
- Typical Forest Opening Size: Openings less than 1 acre; openings have 0-40% canopy closure; openings widely dispersed.  
**Finding: The proposal includes an approximately one-acre opening at the northeast corner of the parcel where the high-line cable tower and landing will be located. There is expected to be 0% canopy closure in this opening. Based on the silvicultural prescription, there will be additional scattered openings of about 1/8-acre in size around the largest ponderosa pines and around the few small oak stands. It is possible that in some cases two or more of these ~1/8-acre openings may be adjacent or overlapping. All these openings will have some degree of canopy closure comprised of the pines or oaks they are created to release, and the number of trees that would be retained within the openings based on the prescription and stewardship plan, which call for pines > 10" dbh, grand fir, and all hardwood trees to be retained. It is likely that these small openings will be widely and irregularly dispersed across the 65-acre treatment area. The proposal is consistent with the Typical Forest Opening Size for this forest type. The following condition of approval (repeated from the Scenic Resources section) also applies here:**
  - *Condition of approval: Any forest openings created as a result of the prescription for thinning of all Douglas firs around larger pines and around oak stands will be less than one acre in size and will retain between 0 and 40% canopy cover.*
- Percent openings at one time: 1% to 10%.  
**Finding: For this 65-acre treatment area, created openings would not exceed approximately 6.5 acres under this requirement. The stewardship plan proposes creating small openings around the largest ponderosa pines and around the few small oak stands to enhance the growth and survival of these species. The stewardship plan does not propose a deviation from the created openings or percent openings at one time guidelines in the Desired Forest Structure and Pattern Table; therefore, the 10% percent openings at one time guideline applies and will be included as a condition of approval. (Note - the original project description describes the removal of all live Douglas firs in several small root rot pockets; however it also states that these root rot pockets are located on the west**

side of Major Creek. Because no treatments are proposed for the portion of the parcel west of Major Creek, the root rot pocket prescription is not considered part of the current proposal.)

➤ *Condition of approval: Created forest openings will not exceed 10% of the overall treatment area.*

- Leave Trees (within openings): No leave trees required  
**Finding: The prescription would leave some trees within created openings except for the approximately one-acre landing. This is consistent with the Desired Forest Structure and Pattern guideline for leave trees within openings.**
  
- Average down wood per acre (pieces 30 feet long, scattered): 3-6 pieces greater than 20" dbh.  
**Finding: As described in the stewardship plan, average down wood requirements for the project will be met or exceeded within the areas that cannot be reached by the high-line cable system, and by leaving existing large down wood in place. This is consistent with the Desired Forest Structure and Pattern guideline for average down wood per acre.**
  
- Average snags per acre (conifers 20-40 feet in height): 5 snags at 10"-20" dbh and 3 snags greater than 20" dbh.  
**Finding: As described in the stewardship plan, average snag requirements for the project will be met or exceeded within the areas that cannot be reached by the high-line cable system, and by leaving existing large snags in place. This is consistent with the Desired Forest Structure and Pattern guideline for average snags per acre.**

(b) Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed under the scenic resource guideline in Review Uses 1.X.(4)(f).

**Finding: See the findings for Forest Openings in 5(a) above and for scenic resource guideline 1.X.(4)(f) in the Scenic Resource section of this Findings of Fact document.**

(c) Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table for each vegetation type.

**Finding: See the findings for snag and down wood requirements in 5(a) above.**

(d) If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall show and prove why a deviation from the snag and down wood requirements is required.

**Finding: A stewardship plan was provided as part of the project application. Based on the stewardship plan, the snag and down wood requirements will be met by a higher concentration of snags and down wood in the areas that are out of the reach of the**

high-line cable system. Snags and down wood are not proposed for removal in the other portions of the activity area and those areas will also contribute to achieving the snag and down wood requirements.

## G. RECREATION RESOURCES

*The Management Plan, Part II, Chapter 4 (Recreation Resources), SMA guidelines, states:*

1. New developments and land uses shall not displace existing recreational use.

**Finding: There is no recreational use in this area. The project will not displace any existing recreational use.**

2. Recreation resources shall be protected from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both onsite and offsite cumulative effects shall be required.

**Finding: There are no new developments or new land uses proposed. No recreation resources will be affected by the proposed forest resource enhancement project. No mitigation measures are required to preclude adverse effects on recreation resources. There will be no effects to recreation resources and therefore no cumulative effects. The remaining guidelines in this section are not applicable and are not included.**

## H. CONCLUSION

**The proposed forest resource enhancement project is consistent with applicable National Scenic Area Management Plan Policy and Guidelines provided it meets the conditions listed in the Findings of Fact and Consistency Determination and adheres to all conditions and requirements in the state-issued forest practice permit.**



# Forest Practices Application/Notification Notice of Decision

FPA/N No: 2707050

Effective Date: 2/4/2021

Expiration Date: 2/4/2024

Shut Down Zone: 609W

EARR Tax Credit:  Eligible  Non-eligible

Reference: S31-T4N-R12E; S36-T4N-R11E

## Decision

- Notification Accepted** Operations shall not begin before the effective date.
- Approved** This Forest Practices Application is subject to the conditions listed below.
- Disapproved** This Forest Practices Application is disapproved for the reasons listed below.
- Withdrawn** Applicant has withdrawn the Forest Practices Application/Notification (FPA/N).
- Closed** All forest practices obligations are met.

## FPA/N Classification

Class II  Class III  Class IVG  Class IVS

## Number of Years Granted on Multi-Year Request

4 years  5 years

## Conditions on Approval/Reasons for Disapproval

Operator will provide the Department of Natural Resources with 48 hour notice prior to the commencement of harvest related operations.

No additional conditions necessary.

Issued By: Whitney Butler

Region: Southeast

Title: Forest Practices Forester

Date: 2/4/2021

Copies to:  Landowner,  Timber Owner  Operator

Issued in person:  Landowner  Timber Owner  Operator

By: \_\_\_\_\_

**Appeal Information**

You have thirty (30) days to **file** (i.e., **actually deliver**) an appeal in writing of this Decision and any related State Environmental Policy Act (SEPA) determinations to the Pollution Control Hearings Board, the Attorney General’s Office, and the Department of Natural Resources’ region office. See [RCW 76.09.205](http://www.wa.gov/RCW76.09.205). The appeal period starts when the applicant receives this decision, which usually happens electronically on the date indicated below.

**You must file your appeal at all three addresses below:**

<b>Pollution Control Hearings Board</b>	<b>Office of the Attorney General Natural Resources Division</b>	<b>Department Of Natural Resources Southeast Region</b>
<u>Physical Address</u> 1111 Israel Road, SW Suite 301 Tumwater, WA 98501  <u>Mailing address</u> Post Office Box 40903 Olympia, WA 98504-0903	<u>Physical Address</u> 1125 Washington Street, SE Olympia, WA 98504  <u>Mailing Address</u> Post Office Box 40100 Olympia, WA 98504-0100	713 E. Bower Rd Ellensburg, WA 98926

Information regarding the Pollution Control Hearings Board can be found at: <http://www.eluho.wa.gov/>

**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.

**Transfer of Forest Practices Application/Notification (WAC 222-20-010)**

Use the “Notice of Transfer of Approved Forest Practices Application/Notification” form. This form is available at region offices and on the Forest Practices website <https://www.dnr.wa.gov/programs-and-services/forest-practices/review-applications-fpars/forest-practices-forms-and>. Notify DNR of new Operators within 48 hours.

**Continuing Forestland Obligations (RCW 76.09.060, RCW 76.09.070, RCW 76.09.390, and WAC 222-20-055)**

Obligations include reforestation, road maintenance and abandonment plans, conversions of forestland to non- forestry use and/or harvest strategies on perennial non-fish habitat (Type Np) waters in Eastern Washington.

Before the sale or transfer of land or perpetual timber rights subject to continuing forest and obligations, the seller must notify the buyer of such an obligation on a form titled “Notice of Continuing Forest Land Obligation”. The seller and buyer must both sign the “Notice of Continuing Forest Land Obligation” form and send it to the DNR Region Office for retention. This form is available at DNR region offices.

If the seller fails to notify the buyer about the continuing forestland obligation, the seller must pay the buyer’s costs related to continuing forestland obligations, including all legal costs and reasonable attorneys’ fees incurred by the buyer in enforcing the continuing forestland obligation against the seller.

Failure by the seller to send the required notice to DNR at the time of sale will be prima facie evidence in an action by the buyer against the seller for costs related to the continuing forestland obligation prior to sale.

**DNR Affidavit of Mailing**

On this day 2/4/2021, I placed in the United States mail at Ellensburg, WA, postage paid, a true and accurate copy of this document. Notice of Decision FPA #2707050

Shane Early  
\_\_\_\_\_  
(Printed Name)

  
\_\_\_\_\_  
(Signature)