

123953

FILED FOR RECORD  
SKAMANIA CO. WASH  
BY *Skamania County*

DEC 5 10 26 AM '95

*P. Olsson*  
AUDITOR  
GARY M. OLSON

1 DECLARATION OF MAILING

2 I declare under penalty of perjury  
3 under the laws of the State of  
4 Washington that on the date listed  
5 below I mailed or caused delivery  
6 of a true copy of this document to  
7 all parties. DATED this 13<sup>th</sup>  
8 day of December, 1995,  
9 at Olympia, Washington.  
10 Signed: *Nancy Helley*

11 BEFORE THE FOREST PRACTICES APPEALS BOARD  
12 STATE OF WASHINGTON

13 COLUMBIA RIVER GORGE  
14 COMMISSION and CENTRAL  
15 CASCADES ALLIANCE,

FPAB No. 95-31

16 and

17 UNITED STATES FOREST  
18 SERVICE,

FPAB No. 95-32

19 Appellants,

20 v.

21 STATE OF WASHINGTON,  
22 DEPARTMENT OF NATURAL  
23 RESOURCES, and  
24 SEEDER TREE COMPANY,

NOTE FOR  
MOTION CALENDAR

25 Respondents.

26 TO: THE CLERK OF THE FPAB BOARD and to all other parties:

PLEASE TAKE NOTICE That an issue of law in this case will be  
heard on the date below and the Hearings Coordinator is directed  
to note this issue on the appropriate calendar.

Calendar date: December 13, 1995

Day of Week: Wednesday

Time of day: 9:30 a.m.

Nature of Motion: Motion to Join

NOTE FOR MOTION CALENDAR - 1


Registered ☒  
Indexed ☒  
Abstracted ☒  
Filed ☒

ATTORNEY GENERAL OF WASHINGTON  
905 Fifth Street, Building 3  
PO Box 40100  
Olympia, WA 98504-0100  
(206) 753-6200

RECORDER'S NOTE:  
NOT AN ORIGINAL DOCUMENT

1 This motion will be held telephonically. The proponent of  
2 this motion, Department of Natural Resources, is responsible for  
3 coordinating telephone hearings and placing telephone calls to all  
4 named parties including the Forest Practices Appeals Board at the  
5 designated date and time.

6 DATED this 1<sup>st</sup> day of December, 1995.

7  
8   
9 KAY M. BROWN  
10 Assistant Attorney General  
11 WSBA # 14599  
12 Attorney for Respondent  
13 Dept. of Natural Resources  
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1 DECLARATION OF MAILING  
2 I declare under penalty of perjury  
3 under the laws of the State of  
4 Washington that on the date listed  
5 below I mailed or caused delivery  
6 of a true copy of this document to  
all parties. DATED this 15<sup>th</sup>  
day of December, 1995,  
at Olympia, Washington.  
Signed: Wendy Haley

I declare under penalty of perjury under the laws of the State of Washington that on the date listed below I mailed or caused delivery of a true copy of this document to all parties. DATED this 15<sup>th</sup> day of December, 1995, at Olympia, Washington.  
Signed: James H. Allen

9 BEFORE THE FOREST PRACTICES APPEALS BOARD  
10 STATE OF WASHINGTON

12 COLUMBIA RIVER GORGE )  
COMMISSION and CENTRAL ) FPAB No. 95-31  
CASCADES ALLIANCE, )

and

15 UNITED STATES FOREST SERVICE, )  
 )  
 ) FPAB No. 95-32

16 Appellants, ) //

17           v.                         )  
  )  
18 STATE OF WASHINGTON,           ) MOTION TO JOIN  
  ) SKAMANIA COUNTY AS  
  ) A NECESSARY PARTY

18 STATE OF WASHINGTON,  
DEPARTMENT OF NATURAL  
19 RESOURCES, and  
SEEDER TREE COMPANY,

**Respondents.**

22 Washington State Department of Natural Resources, by and  
23 through its attorneys Christine O. Gregoire, Attorney General, and  
24 Kay M. Brown, Assistant Attorney General, moves this Board for an  
25 order joining the Skamania County as a necessary respondent. This  
26 motion is based on Civil Rule 19(a), WAC 223-080-030 and 040(8),

1 the records and files herein and the attached declaration of Debra  
2 Travis.

3 DATED this 1<sup>st</sup> day of December, 1995.

4 CHRISTINE O. GREGOIRE  
5 Attorney General

6 *Kay m B*

7 KAY M. BROWN  
8 Assistant Attorney General  
9 WSBA No. 14599  
10 Attorneys for Respondent  
11 Department of Natural Resources  
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Signed: Nancy Helder

## STATE OF WASHINGTON

**FPAB No. 95-31**

FPAB No. 95-32

MEMORANDUM IN SUPPORT  
OF MOTION TO JOIN  
SKAMANIA COUNTY

STATE OF WASHINGTON,  
DEPARTMENT OF NATURAL  
RESOURCES, and  
SEEDER TREE COMPANY,

## Respondents.

On November 20, 1995, the Department of Natural Resources (DNR) approved Forest Practices Application (FPA) 11-20580. Travis Declaration, Exhibit 1. The application involves road maintenance and building, and timber harvest on 147 acres in

ATTORNEY GENERAL OF WASHINGTON  
905 Fifth Street, Building 3  
PO Box 40100  
Olympia, WA 98504-0100  
(206) 753-6200

1 Skamania County, in an area designated as Special Management Area  
2 (SMA) Forest land under Skamania County Ordinance No. 1993-04.  
3 FPA 11-20580 was appealed by the Gorge Commission, Central Cascade  
4 Alliance (CCA), and the United States Forest Service. Exhibit 2.  
5 Appellants allege, among other things, that DNR's approval  
6 violates Skamania County Ordinance No. 1993-04. Because the  
7 application and enforcement of Skamania County Ordinance No. 1993-  
8 04 is at issue in this appeal, Skamania County is a necessary  
9 party and must be joined.

10  
11 ARGUMENT

12 CR 19(a)1 states in pertinent part:

13 A person who is subject to service of process and whose  
14 joinder will not deprive the court of jurisdiction over  
15 the subject matter of the action shall be joined as a  
16 party in the action if (1) in his absence complete  
17 relief cannot be accorded among those already parties,  
18 or (2) he claims an interest relating to the subject of  
19 the action and is so situated that the disposition of  
20 the action in his absence may (A) as a practical matter  
21 impair or impede his ability to protect that interest or  
22 (B) leave any of the persons already parties subject to  
23 a substantial risk of incurring double, multiple, or  
24 otherwise inconsistent obligations by reason of his  
25 claimed interest. If he has not been so joined, the  
26 court shall order that he be made a party.

20 A necessary party under this rule has been defined as "one  
21 which has a sufficient interest in the litigation that the  
22 judgment cannot be determined without affecting that interest or  
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24

25 1 WAC 223-08-030(2) provides that the superior court civil  
26 rules regarding pretrial procedure apply in appeals before this  
Board.

MEMORANDUM IN SUPPORT  
OF MOTION TO JOIN - 2

ATTORNEY GENERAL OF WASHINGTON  
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Olympia, WA 98504-0100  
(206) 753-6200

1 leaving it unresolved". Harvey v. County Comm'rs, 90 Wn.2d 473,  
2 584 P.2d 391 (1978).

3 The Forest Practices Act reflects the legislature's  
4 recognition that when county interests are involved the county  
5 should be a party to an FPAB action. RCW 76.09.050(6) -(9).  
6 Skamania County has already claimed an interest in the subject  
7 matter at issue in this appeal: regulation of forest practices in  
8 a portion of the Gorge Scenic Area that is located in Skamania  
9 County. It has staked its claim by adopting Ordinance No. 1993-  
10 04, which provides regulatory standards more stringent than the  
11 Forest Practices Act for regulation of forest practices in the GMA  
12 open space. Answering the legal questions raised by this appeal,  
13 in the county's absence, could well impair the county's ability to  
14 enforce its own ordinance.

15 A decision in the county's absence could also leave parties  
16 at risk of incurring inconsistent obligations by reason of the  
17 counties interest. For example, if the FPAB rules that only the  
18 Forest Practices Act applies to regulation of forest practices in  
19 the GMA open space, and the county is not a party, the county  
20 might still attempt to enforce its own ordinance to the detriment  
21 of the landowner. For a second example, the FPAB could rule that  
22 the Skamania County Ordinance is the applicable standard in the  
23 SMA Open Space and that the county has the authority and duty to  
24 enforce its ordinance. If the county is not a party to the  
25 appeal, the county may refuse to enforce its ordinance despite the  
26 FPAB ruling and the appellants will not have obtained relief.

MEMORANDUM IN SUPPORT  
OF MOTION TO JOIN - 3

ATTORNEY GENERAL OF WASHINGTON  
905 Fifth Street, Building 3  
PO Box 40100  
Olympia, WA 98504-0100  
(206) 753-6200



1 Under both CR 19(a) (1) or (2), Skamania County qualifies as  
2 a necessary party to this appeal. The county is subject to  
3 service of process, and its joinder would not deprive the FPAB of  
4 jurisdiction over this matter. In order to provide a meaningful  
5 forum for litigation of this longstanding dispute, it is important  
6 that all parties to the dispute are involved. Only in that way,  
7 can the meaty issues raised by this appeal be resolved.

8 III. CONCLUSION

9 Because it is a necessary party pursuant to CR 19, the DNR  
10 respectfully requests that the Board issue an order joining  
11 Skamania County in this appeal.

12 DATED this 1<sup>st</sup> day of December, 1995.

13 Respectfully submitted,

14 CHRISTINE O. GREGOIRE  
15 Attorney General

16 *Kay M. Brown*  
17 KAY M. BROWN  
18 Assistant Attorney General  
19 WSBA NO. 14599  
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1 DECLARATION OF MAILING  
I declare under penalty of perjury  
2 under the laws of the State of  
Washington that on the date listed  
3 below I mailed or caused delivery  
of a true copy of this document to  
4 all parties. DATED this 15<sup>th</sup>  
day of December, 1995,  
5 at Olympia, Washington.  
Signed: Tracy Helmer

1 DECLARATION OF MAILING  
I declare under penalty of perjury  
2 under the laws of the State of  
Washington that on the date listed  
3 below I mailed or caused delivery  
of a true copy of this document to  
4 all parties. DATED this 15<sup>th</sup>  
day of December, 1995,  
5 at Olympia, Washington.  
Signed: Francis Helmer

5 at Olympia, Washington.  
Signed: Gracey Helms  
6

BEFORE THE FOREST PRACTICES APPEALS BOARD

## STATE OF WASHINGTON

1 COLUMBIA RIVER GORGE  
COMMISSION and CENTRAL  
2 CASCADES ALLIANCE,

COMMISSION and CENTRAL ) FPAB No. 95-31

3 and

4 UNITED STATES FOREST  
SERVICE,

SERVICE, ) FPAB No. 95-32

Appellants.

y.

STATE OF WASHINGTON,  
8 DEPARTMENT OF NATURAL  
RESOURCES, and  
9 SEEDER TREE COMPANY,

STATE OF WASHINGTON, )  
8 DEPARTMENT OF NATURAL )  
DECLARATION OF  
DEBRA TRAVIS

0 Respondents.

2 I, DEBRA TRAVIS, am over eighteen years of age and am  
3 competent to make this declaration.

1. I am an Administrative Assistant I with the Department of Natural Resources in the Southwest Regional office in Castle Rock, Washington.

DECLARATION OF DEBRA TRAVIS - 1

DECLARATION OF DEBRA TRAVIS - 1

ATTORNEY GENERAL OF WASHINGTON  
1125 Washington St. SE  
PO Box 40100  
Olympia, WA 98504 0100  
(360) 753 6200

1 2. As part of my regular duties I am responsible for the  
2 maintenance of all forest practices files for the Southwest  
3 Region.

4 3. I have reviewed the attached document, labeled Exhibit 1,  
5 and the region file for Forest Practices Application (FPA) 11-  
6 20580. This document is an accurate copy of the FPA 11-20580  
7 which is contained in the official file.

8 I declare under penalty of perjury under the laws of the  
9 State of Washington that the foregoing is true and correct.

10  
11 12/1/95 - Castle Rock, Washington  
12 DATE AND PLACE

Debra Travis  
DEBRA TRAVIS

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DECLARATION OF DEBRA TRAVIS - 2

ATTORNEY GENERAL OF WASHINGTON  
1125 Washington St. SE  
PO Box 60180  
Olympia, WA 98504-0180  
(360) 771-6306

SENT BY: STATE OF WASHINGTON : 12-1-95 : 12:08 : STATE ATTORNEY GEN. - DNK SW REGION: 5/3

Commission

Columbia River Gorge

Post-It Fax Note 7671		Date 11-21	Page 17
To Kay Brown		From Larry Walters	
Co./Dept		Co.	
Phone #		Phone #	
Fax #		Fax #	

Post Office Box 730 • White Salmon Washington 98672 • 509 493 3323 • Fax 509 493 2229

November 21, 1995

Ms. Judy Greer  
State Forest Practices Appeals Board  
4224 6th Avenue SE  
Bldg. 2, Rowe Six  
P.O. Box 40903  
Lacey, WA 98504-0903

Re: Forest Practice Application  
Seeder Tree Company - FPA No. A-11-20580, CL25

Dear Ms. Greer:

Please find enclosed for filing the original and two copies of the Appeal of Department Approval in the above referenced matter. Please date stamp one copy and return it to us in the enclosed envelope that has pre-paid postage.

In addition, please note we are respectfully requesting a stay and a hearing on the stay before the Forest Practices Appeals Board. I am available by telephone at 509-493-3323 to schedule a hearing on the stay at a time that is convenient for you and for Mr. Kahn.

Thank you very much for your attention to this matter.

Sincerely,

*Larry Walters*

Lawrence Walters  
Counsel

cc: Department of Natural Resources  
Jonathan Doherty  
Gary Kahn  
Laurie Aunan  
Michael Lang

Exhibit 2

NOTICE  
COMMENCING A PROCEEDING  
BEFORE THE  
FOREST PRACTICES APPEALS BOARD  
STATE OF WASHINGTON

Date: November 21, 1995

APPEAL OF  
DEPARTMENT APPROVAL

Name of Appellants:

Columbia River Gorge Commission  
P.O. Box 730  
White Salmon, WA 98672

Central Cascades Alliance  
P.O. Box 86100  
Portland, OR 97286

Represented By:

Lawrence Watters  
Counsel  
Columbia River Gorge Commission  
P.O. Box 730  
White Salmon, WA 98672

Gary Kahn  
Attorney at Law  
P.O. Box 86100  
Portland, OR 97286

RE: Forest Practices Application  
Seedler Tree Company, FPA No. A-11-20580, CL25

1. This proceeding is authorized by RCW 76.09.220(8).
2. The appellants hereby elect a formal hearing.
3. The attached application/notification for a forest practice was received by the Department of Natural Resources on November 2, 1995 and notice of such approval showing the date thereof is attached. (Exhibit "A")
4. Lands within the jurisdiction and interests of the Columbia River Gorge Commission, a regional agency, and Central Cascades Alliance, are affected by the approval.
5. The same lands within the jurisdiction of the Columbia River Gorge Commission are a special interest of the Central Cascades Alliance ("CCA"); CCA is a nonprofit corporation dedicated to protecting the long term economic, cultural and biological sustainability of the

Central Cascades community, with an emphasis on the area between Mt. Adams (in Washington) and Mt. Hood (in Oregon).

6. The approval by the Department of Natural Resources of the forest practice was invalid and without authority because it involves a forest practice governed by the purposes and standards of the Columbia River Gorge National Scenic Area Act, the Columbia River Gorge Compact adopted by Washington and Oregon incorporating the National Scenic Area Act, the Management Plan required by the National Scenic Area Act (approved by the U.S. Department of Agriculture, Forest Service and the Columbia River Gorge Commission), and Skamania County Ordinance No. 1993-04 (which implements the Management Plan within Skamania County).

The forest practice is inconsistent with and violates the National Scenic Area Act, the Columbia River Gorge Compact, the Management Plan adopted thereunder, and Skamania County Ordinance No. 1993-04.

The practice specifically violates the Management Plan of the National Scenic Area Act and the Skamania County Ordinance by allowing the harvesting of timber on lands within the Special Management Area of the National Scenic Area directly contrary to numerous Special Management Area guidelines for protection of natural and scenic resources, and in a manner that will adversely affect those resources. Timber harvesting on lands within the Special Management Area is allowed by the Management Plan and the ordinance only if it is consistent with those guidelines.

7. All state agencies are specifically required to carry out their functions in accordance with the National Scenic Area Act and the Columbia River Gorge Compact. 16 USC 544; RCW 43.97.025(1). The Department's approval of this forest practice thus violates these statutes and the Management Plan of the National Scenic Area, as well as the Skamania County Ordinance.

8. The U.S. Forest Service reviewed the application and determined on November 16, 1995 it is inconsistent with the National Scenic Area Act and the Management Plan. (Exhibit "B")

9. On November 15, 1995, Jonathan Doherty, Executive Director of the Columbia River Gorge Commission, submitted a comment letter to the Department of Natural Resources on the proposed application. In his letter, Mr. Doherty indicated the manner in which the proposal is in conflict with the Management Plan guidelines for forest practices in Special Management Areas as well as the Columbia River Gorge Compact. (Exhibit "C")

### REQUEST FOR EMERGENCY STAY AND HEARING AND STAY

The appellants, Columbia River Gorge Commission and Central Cascades Alliance, respectfully request (1) an emergency stay; and, (2) a hearing and stay, pending disposition of this appeal. It is critical for the Board to preserve the status quo pending the resolution of this case in order to prevent irreparable harm, while appellants pursue their request to reverse the Department's decision.

The emergency stay is essential at this point in time. In contrast to other cases involving DNR, appellants have no idea when harvesting will actually begin at the site. The Department's decision does not include any requirement for advance notice to the appellants of when the cutting of trees will begin. Moreover, the site is not visible and thus, it is not possible to find out when the harvest starts through scrutiny from an adjacent area. Finally, although a request was made to DNR to provide advance notice to the Gorge Commission of the cutting of trees, DNR's response was noncommittal. Thus, appellants must obtain an emergency stay pending a hearing on a regular stay in order to prevent irreparable harm and protect the resources at stake.

The proposed forest practice is located in a Special Management Area that contains sensitive and significant natural and scenic resources. The proposed timber harvesting in this area, pending a hearing on the merits of this appeal, will irreparably harm these resources protected by law, before the Forest Practices Appeals Board has rendered a final decision. The resources are unique and irreplaceable, and include the following: highly scenic vistas visible from prominent public trails in the National Scenic Area, documented sites of sensitive wildlife species (Larch Mountain salamander), sensitive wildlife habitat (big game winter range), old growth forests, wetlands and streams. The proposed timber harvest violates the Management Plan and ordinance guidelines for protection of all of these resources.

In a November 13, 1995 letter to the Department of Natural Resources, Bryan Cowan, Regional Habitat Program Manager for the Washington Department of Fish and Wildlife, stated that Larch Mountain salamanders were found at seven locations within the proposed harvest unit. This species is listed as sensitive by both the state of the Washington and the Management Plan. The letter further states: "The proposed timber harvest would compromise the continued existence of this species within the harvest unit." (Exhibit "D") The forest practice will thus cause irreparable harm to this sensitive species, damaging a public resource.

For these reasons, appellants have no adequate remedy at law and respectfully request a stay, pending a hearing on the appeal.



I have read the foregoing and believe the contents to be true.

DATED this 21 day of November, 1995.

Lawrence Watters  
Lawrence Watters  
Counsel for Appellant  
Columbia River Gorge Commission  
288 E. Jewett Blvd.  
PO Box 730  
White Salmon, WA 98672

Gary Kahn  
Gary Kahn  
Counsel for Appellant  
Central Cascades Alliance  
4035 SE 52nd Avenue  
PO Box 86100  
Portland, OR 97286

**ATTENTION: Seeler Tree Company**

Upon receipt of this Notice, you are a party to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.



**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on this date I filed the original of the foregoing with:

State Forest Practices Appeals Board  
4224 6th Avenue SE,  
Bldg. 2, Rowe Six  
P.O. Box 40903  
Lacey, WA 98504-0903

and served a true copy of the foregoing on the following parties:

Seeder Tree Company  
105 East 8th Avenue  
Olympia, WA 98501

State Department of Natural Resources  
1111 Washington Street SE,  
PO Box 47001  
Olympia, WA 98504-7001

Department of Natural Resources  
Southwest Region  
PO Box 280  
Castle Rock, WA 98611

Kay Brown  
State Attorney General  
Natural Resources Division  
1125 Washington Street SE,  
PO Box 40100  
Olympia, WA 98504-0100

by placing with the United States Postal Service, via fully prepared First Class Mail, a certified

true copy of said document to each above named party.

DATED this 21 day of November, 1995.

Lawrence Watters  
Lawrence Watters, WSBA #7454  
Columbia River Gorge Commission  
288 E. Jewett Blvd.  
P.O. Box 730  
White Salmon, WA 98672

Gary Kahn  
Gary Kahn, OSB #81481  
Central Cascades Alliance  
4035 SE 52nd Avenue  
P.O. Box 86100  
Portland, OR 97286

UNK SU REGION

30-274-4190

NOV

15:42 No. 004 P. 02

EXHIBIT A

FOREST PRACTICES APPLICATION/NOTIFICATION  
PROCESS AND CONDITIONSPFA NUMBER  
A-11-20580

CL 25

Date Received: 11/2/95	Review Comments Due: 11/16	Final Due Date: 12/4/95	Shutdown Range: 660
NAME OF OPERATOR Sieder Tree Company	NAME OF LANDOWNER Same	NAME OF TIMBER OWNER Same	

SECTION(S)	TWP N/E/S	RGE E/W
7	3N	9E

CLASS OF APPLICATION	
<input type="checkbox"/>	CLASS II
<input type="checkbox"/>	CLASS III
<input checked="" type="checkbox"/>	CLASS III-T
<input type="checkbox"/>	CLASS IV-0
<input checked="" type="checkbox"/>	CLASS IV-S

Type of Operation Even-Aged	Acres/Miles 147	County Skamania
--------------------------------	--------------------	--------------------

<input checked="" type="checkbox"/> APPLICATION APPROVED CONDITIONS TO THIS APPLICATION / NOTIFICATION	
THIS OPERATION REQUIRES: <input type="checkbox"/> Hydraulic Project Approval <input type="checkbox"/> Environmental Checklist <input checked="" type="checkbox"/> Completed PFA Form Map <input checked="" type="checkbox"/> Compliance with Approved Conditions <input checked="" type="checkbox"/> Other: <u>Reforestation Plan DATED 10/15/95</u>	
APPROVAL CONDITIONS:	
See Addendum A	

☐ PRE-FILE REVIEW COMPLETE ☐ APPLICATION INCOMPLETE ☒ APPLICATION COMPLETE  
☐ APPLICATION ON HOLD ☐ APPLICATION DISAPPROVED

DEPARTMENT OF NATURAL RESOURCES SIGNATURE E. W. W. W.		TITLE: Forest Practices Coordinator	DATE: 11/20/95	EXT.: 014
REGION: SOUTHWEST	AGENCY CODE: SWTH	FINAL COPIES SENT: 11/20/95	EFFECTIVE DATE: 11/20/95	EXPIRATION DATE: 11/20/97

COPIES DISTRIBUTED TO: ☒ FP FORESTER ☒ ECOLOGY ☒ FISHERIES ☒ WILDLIFE  
 AFFECTED INDIAN TRIBE: Yakama OTHERS: ☒ LOCAL GOVERNMENT: ☒  
 AFFECTED INDIAN TRIBE:   OTHERS: N.H. Lewis LOCAL GOVERNMENT:    
 AFFECTED INDIAN TRIBE:   OTHERS: George Conn. LOCAL GOVERNMENT:  

 Filings of the  
 Bureau

 11/20/95  
 11/20/95

COLUMBIAN GORGE COMM. TEL: 509-493-2229

NOV 21 1995 16:56 No.009 P.09

DNR SW REGION

TEL: 509-274-4136

NOV 21 1995 15:42 No.004 P.01

November 15, 1995

ADDENDUM A

FPA-11-20680

Operation subject to the following:

Reforestation plan as written by Stephen L. Head for Andrew Holman et. al. dated October 15, 1995. This plan includes yarding restrictions and the protection of residual vegetation.

Map provided on November 13, 1995 to Lloyd Handlos and Mary McDonald by David Thompson of Seeder Tree Co.

In area C the agreed upon road location allows for building the road on the east side of the draw, crossing through the narrow gap, then immediately crossing back across to the east side of the wetland and stream and climbing upward and away from the running water. Note revised map dated November 13, 1995.



United States  
Department of  
Agriculture

Forest  
Service  
541-386-2333

## EXHIBIT B

Columbia River Gorge  
National Scenic Area  
PAX 541-386-1916

902 Wasco Avenue  
Suite 200  
Hood River, OR 97031

File Code: 2370

Date: November 16, 1995

David L. Thompson, Vice President  
Seedler Tree Company  
105 East 8th Avenue  
Olympia, WA 98501

Dear Mr. Thompson:

I have received a revised copy of your Forest Practices Application/Notification, A-11-20589, that was resubmitted to the Washington State Department of Natural Resources (DNR) on November 11, 1995. We have reviewed the forest practice as proposed by this DNR Application/Notification pursuant to the Columbia River Gorge National Scenic Area Act and Management Plan.

A previous Application/Notification was submitted to the DNR on April 26, 1995. Since that time, there has been a change in the land owner and a modification of the harvest units and harvest methods. This review will consider the revised Forest Practices Application/Notification on its own merits.

The proposed forest practice is located in section 7, T.3N., R.9E., surveyed Skamania County, Washington and within a Special Management Area of the Columbia River Gorge National Scenic Area (NSA). The NSA Land Use Designation is Forest Land.

The Forest Practices Application/Notification in the Timber Harvest Section indicates that the type of harvest will be even-aged on 147 acres (sic) of a 240 acre parcel. This is to be accomplished by four harvest units of 12, 10, 88 and 30 acres. There are to be 5 trees per acre remaining after harvest. Harvest method will be by shovel, rubber-tired skidder, swing yarder and helicopter.

For an analysis or assessment of any land use action for compliance with the NSA Management Plan, it is the standard policy of this office to conduct a field review to complete resource surveys. However, at your direction, an on-site field review of your proposed forest practice was not allowed. This direction was indicated in personal discussion with David Sell, Land Use Coordinator for the NSA, on November 16, 1995. Consequently, our review is based primarily on the information provided in the DNR application. While a field review is likely to find additional concerns, this review is based only on the information submitted with the DNR application.

An analysis of the proposed action and the guidelines indicate that the forest practice, as submitted to the DNR, is inconsistent with the NSA Act and Management Plan for the following reasons:

Caring for the Land and Serving People

10/17/1995 14:37 FROM

COLUMBIA RIVER CORP

TO

gorge commissio P.03



David L. Thompson

Page 2

NBA Management Plan, Part I, Chapter 1, SMA Guidelines, (4) (D), "the maximum size of any created opening shall be 15 acres."

Two even age harvest units of 85 and 10 acres with five trees per acre remaining after harvest are proposed. "Even-aged harvest" (DNR application) meets the definition of a created forest opening with less than 80 percent crown closure of trees less than 20 feet tall. An 85 or 10 acre opening would exceed the 15 acre maximum.

NBA Management Plan, Part I, Chapter 3, SMA Guidelines, (6) (A) (1), "a buffer zone shall be created around sensitive wildlife and sensitive plant species. (b), A buffer zone for sites of sensitive wildlife species, such as nesting, roosting and perching sites as defined by species requirements and other state or federal agency biologists." A sensitive wildlife species is defined in the Management Plan Glossary as an animal species that is "listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission."

This forest practice proposal was reviewed by the State of Washington Department of Fish and Wildlife (WDFW). Their comments and recommendations were included in a June 16, 1995 letter to Lloyd Handlos, Forest Practices Coordinator, DNR, from Bryan Cowan, Regional Habitat Program Manager, WDFW (see attached letter). The letter states that "during recent field inspections, WDFW biologists discovered Larch Mountain salamanders (*Plethodon larselli*) at seven separate locations at the east end of the harvest unit." The letter also indicates that this area of the parcel exhibits typical habitat characteristic of the salamander as reported in literature for this species. An attached map designates the Larch Mountain salamander locations and habitat. These areas are located in harvest units C and D of the revised Forest Practice Application/Notification.

The letter also states that the Larch Mountain salamander is classified as "sensitive" under WAC 213-12-297 and is listed as "sensitive" by the Washington Wildlife Commission. It is also listed in the NBA Management Plan Table 6 for Washington Endangered, Threatened, and Sensitive Wildlife Species in The Columbia Gorge as a candidate species.

The WDFW recommendations state that a "no-harvest area shall be physically flagged in the field, through on-site consultation with WDFW, prior to start of forest practice activities." Harvest operations as currently proposed are to occur within a sensitive species habitat area. No buffer zones have been provided. There are no conditions included in the forest practice to protect this sensitive species or its habitat. This concern is raised in a follow-up letter of November 13, 1995, to the DNR from the WDFW that states that "the proposed timber harvest would compromise the continued existence of this species within the harvest unit."



Caring for the Land and Serving People





David L. Thompson

Page 3

NSA Management Plan, Part I, Chapter 3, SMA Guidelines, (6)(B)(2), "A minimum 200-foot buffer zone shall be created on the leeward side of each wetland, pond, or lake, or a wider variance from this requirement shall be determined during the site plan analysis of the wetland or riparian area and those species inhabiting the area, as determined by the Forest Service biologist in consultation with state and/or federal agencies."

There are several ponds within the area of harvest operation. Harvest operations as currently proposed would follow only state forest practices rules which are less protective than Management Plan guidelines.

NSA Management Plan, Part I, Chapter 3, SMA Guidelines, (6)(B)(3), "A 200-foot buffer shall be created along each fish bearing and perennial stream."

There are no buffers proposed to meet these conditions. Harvest operations as currently proposed would only follow state forest practices rules which are less protective than Management Plan guidelines.

NSA Management Plan, Part I, Chapter 3, SMA Guidelines, (6)(C)(5), "In areas of big game winter range, adequate thermal cover shall be maintained, as determined by the appropriate state wildlife agency."

Big game winter range includes winter range for Deer and Elk. A review of the NSA resource inventory indicates that the western portion of the parcel is within a Washington State Department of Wildlife Priority Habitat for Deer and Elk Winter Range. Harvest operations (Units A and C) as currently proposed will occur within this priority habitat or area of winter range. The proposed harvest for these units will remove all but 5 trees per acre within the areas of priority habitat for Deer and Winter Range. There are no conditions in the proposed forest practice to assure that adequate thermal cover is maintained. Due to this the type of harvest, it appears that big game winter range may be adversely impacted.

NSA Management Plan, Part I, Chapter 3, SMA Guidelines, (6)(D)(6)(a), "Six live trees per acre, three of which shall be of the largest tree size available and three of which shall be of various sizes to provide replacements as snags and wildlife trees; and three dead trees per acre, of the largest tree size available; and three down trees per acre in the largest tree size available. All trees shall be unburned."

The DMZ forest practice application/notification indicates that only five trees per acre of an unknown size would remain following harvest.



Caring for the Land and Serving People





David L. Thompson

Page 4

In addition to the above findings, a field review would analyze compliance with the following guideline:

NSA Management Plan, Part I, Chapter 3, GMA Guidelines, (6)(D)(1), "new uses shall avoid disturbance to old growth forests." Old growth is defined in the Management Plan as "Any stand of trees 10 acres or greater generally containing the following characteristics: 1) contain mature and overmature trees in the overstory and are well into a matured growth state; 2) in coniferous forests, will usually contain a multilayered canopy and trees of several age classes; 3) in coniferous, standing trees and down material are present; and 4) evidences of man's activities may be present, but don't significantly alter the other characteristics and would be a subordinate factor in description of such a stand."

Aerial photos of the area reveal that the northwest portion of the parcel or harvest unit A of the forest practice exhibits potential old growth characteristics as described above. However, a field visit is necessary to adequately determine the full extent and existence of old growth forest characteristics.

For this proposal to be consistent with the NSA Management Plan, the forest practice would need to be modified to comply with the guidelines as stated above and any other applicable guidelines from the Management Plan.

A written request for review of this consistency determination may be made to the Regional Forester, 333 S.W. First Street, Portland, Or 97204, within 45 days of the date of this letter. A statement of reasons in support of the request should be included.

If you have any further questions, please contact Dave Sell or me at the above address or phone (503) 386-2333.

Sincerely,

*Jurgens A. Hess*  
JURGENS A. HESS  
Planning and Design Staff Officer

Enclosures

cc:

David L. Thompson, Seeder Tree Co., Inc.  
Harpreet Sandhu, Director, Skamania County Planning Department  
Lloyd Randlos, Southwest Regional Manager, Washington State DNR  
Jonathan Doherty, Executive Director, Columbia River Gorge Commission  
Michael Lang, Friends of the Columbia Gorge



Caring for the Land and Serving People

Commission

EXHIBIT C

Post Office Box 730 • White Salmon Washington 98672 • 509 493 3323 • Fax 509 493 2229

Columbia River Gorge

November 15, 1995

Brio Wisch, Forest Practices Coordinator  
Washington Department of Natural Resources - SW Region  
601 Bond Road, S-12  
P.O. Box 280  
Castle Rock, WA 98611

Subject: Comments on Revised Forest Practice Application # A-11-20580, CL25

Dear Mr. Wisch:

The following comment letter regards the above-referenced forest practice application submitted to your agency by the Seeder Tree Company. It involves lands in the Special Management Area of the Columbia River Gorge National Scenic Area, within Skamania County. Comments from reviewers are due by November 16, 1995.

This forest practice application is inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan) governing forest practices in Special Management Areas, as well as Skamania County Ordinance # 1993-04, which implements the Management Plan. On May 5, 1995, I wrote your agency a letter on a prior version of this application that was subsequently withdrawn. The current application's inconsistencies are the same as those described in that letter. A copy of that letter is enclosed herein. I will thus summarize the inconsistencies of the current application in this letter. Please refer to the May 5 letter for additional details.

The application is inconsistent with the following guidelines governing forest practices in Special Management Areas:

Guideline 6.B(2), page I-124:

A minimum 200-foot buffer zone shall be created on the landward side of each wetland, pond, or lake; or a wider variance from this requirement shall be determined during the site plan analysis of the wetland or riparian area and those species inhabiting the area, as determined by the Forest Service biologist in consultation with state and/or federal agencies.

Guideline 6.B(3), page I-125:

A 200-foot buffer zone shall be created along each fish-bearing and perennial stream.

Guideline 6.B(4), page I-125:

A 50-foot buffer shall be created along intermittent streams.

Guideline 4.D, page I-44:

The maximum size of any created opening shall be 15 acres.

Guideline 6.C(5):

In areas of big game winter range, adequate thermal cover shall be maintained, as determined by the appropriate state wildlife agency.

In addition to the above inconsistencies, the application is also inconsistent with guideline 6.A(1), page I-124, which requires a buffer zone where no logging is allowed for sensitive wildlife species sites. The harvest area includes documented sites for the Larch Mountain salamander, classified as a sensitive species by both the Management Plan and the state of Washington. A June 16, 1995 letter to Lloyd Handlos from Bryan Cowan, Regional Habitat Program Manager for WDFW, documents these points. Mr. Cowan recommended that harvesting be prohibited in salamander habitat areas to prevent adverse impacts to this public resource from this harvest. The current application includes harvesting in these areas. Mr. Cowan also recommended in this letter that the harvest application should be modified to be consistent with the Sconlo Area SMA guidelines.

Approval of this application, without necessary modifications to render it consistent with the Management Plan and county ordinance, would violate state law. The Columbia River Gorge Compact requires that state agencies carry out their respective functions and responsibilities in accordance with the Management Plan and implementing ordinances (RCW 43.97.025). I thus urge you to deny this application as proposed. Thank you for this opportunity to comment.

Sincerely,

  
Jonathan Doherty  
Executive Director

cc: Dave Sell, USPS, NSA Office

enclosure

EXHIBIT D



STATE OF WASHINGTON

## DEPARTMENT OF FISH AND WILDLIFE

5405 NE Hazel Dell Avenue • Vancouver, Washington 98663 • (360) 696-6211 FAX (360) 690-7238



November 13, 1995

Lloyd Handlos  
Department of Natural Resources  
Post Office Box 280  
Castle Rock, WA 98611

Subject: Follow-up Comments, Forest Practices Application A-11-  
20580, Seeder Tree Company, Section 7, Township 3  
North, Range 9 East, Skamania County

Dear Mr. Handlos:

The Washington Department of Fish and Wildlife (WDFW) is submitting this letter as a follow-up to our June 16, 1995 comments prepared in response to the above-referenced forest practices application. We understand that the Department of Natural Resources (DNR) has received all necessary information requested of the applicant, and that a decision on this application is pending. However, WDFW's believes that our concerns regarding protection of wildlife resources have not yet been adequately addressed in accordance with the Skamania County's Columbia River Gorge National Scenic Area (CRGNSA) Ordinance, and the Columbia River Gorge National Scenic Area Act. We offer the following comments and recommendations for your consideration.

The project site is located within the Special Management Area (SMA) of the CRGNSA. The CRGNSA Ordinance contains special provisions for protecting fish and wildlife resources in the SMA, including species listed as endangered, threatened, or sensitive. As you are aware, Larch Mountain salamanders, a state listed sensitive species, have been found at seven locations within the proposed harvest unit. The proposed timber harvest would compromise the continued existence of this species within the harvest unit. WDFW's concerns regarding potential adverse impacts to this species are detailed in our previous comments submitted for this proposal.

Section 22.16.030 of the CRGNSA Ordinance requires preparation of a natural resource mitigation plan and compliance with minimum natural resource protection standards when uses are proposed within sensitive wildlife sites or buffer zones. This plan

Mr. Lloyd Handlos  
November 13, 1995  
Page 2

requires identification of measures to protect natural resources from adverse impacts, and demonstration that mitigation measures would ensure the protection, long-term viability, and function of sensitive wildlife sites. Other CRGNSA Ordinance requirements applicable to this proposal include, but are not limited to, the following: establishment of protective buffer zones around sensitive wildlife sites; protection of old growth forest; maintenance of snags, downed logs and recruitment trees; and provision of 200 foot buffers along all ponds, lakes and fish-bearing and perennial streams. This proposal, as currently designed, does not comply with the CRGNSA Ordinance requirements.

WDFW recognizes that it is currently unclear which agency is responsible for regulating forest practices under the CRGNSA Ordinance. However, WDFW believes that full compliance with the CRGNSA Ordinance would be necessary to adequately protect wildlife resources at the project site.

WDFW appreciates the opportunity to review and comment on this proposal. Please contact feel free to contact us at (360) 696-6211 if you have any questions regarding these comments.

Sincerely,

*Steve Manlow*

for Bryan Cowan  
Regional Habitat Program Manager

cc: Steve Manlow, WDFW  
Don Haring, WDFW  
Dan Guy, WDFW  
Kelly McAllister, WDFW  
Harpreet Sandhu, Skamania County  
Jonathan Doherty, Columbia River Gorge Commission ✓  
David Thompson, Seeder Tree Company



NOTICE  
COMMENCING A PROCEEDING

Before the  
FOREST PRACTICES APPEALS BOARD

State of Washington  
November 21, 1995

RECEIVED

NOV 27 1995

ATTORNEYS GENERAL'S OFFICE  
NATURAL RESOURCES DIVISION

Name of Appellant:

Columbia River Gorge National Scenic Area  
U.S. Forest Service  
902 Wasco Avenue, Suite 200  
Hood River, Or 97031

APPEAL OF  
DEPARTMENT  
APPROVAL

Represented by:

Jocelyn B. Somers OSB No. 84-350  
Office of General Counsel for the  
U.S. Department of Agriculture  
1734 Federal Building  
1220 SW 3rd Avenue  
Portland, Or 97204-2825

RE: Forest Practices Notification A-11-20580 (Seeder Tree Company, Inc.)

1. This proceeding is authorized by RCW 76.09.220(8).
2. The appellant hereby elects a formal hearing.
3. The attached forest practices application was approved by the Department of Natural Resources on November 20, 1995.
4. Forest Practices Application A-11-20580, was submitted to the Washington State Department of Natural Resources (DNR) on November 2, 1995, by David L. Thompson of Seeder Tree Company, Inc., 105 East 8th Street, Olympia, WA 98501 on land owned by Seeder Tree Company, Inc. This is a revised Forest Practice that was originally submitted on April 26, 1995.

This forest practice is located within the boundaries of a Special Management Area within the Columbia River Gorge National Scenic Area (CRGNSA). Forest practices within the Special Management Area are subject to the provisions of the Columbia River Gorge National Scenic Area Act, Public Law 99-663, Nov. 17, 1986, and compliance with the Management Plan for the CRGNSA. It is also subject to Skamania County Land Use Ordinances, adopted pursuant to the CRGNSA Act and the Management Plan.

The DNR approval of this forest practice is improper as it violates The CRGNSA Act and the Skamania County Land Use Ordinances, and RCW 43.97.025(1) which requires the DNR to carry out its functions in compliance with the terms of the CRGNSA Act.

This forest practice is located in section 7, T.3N., R.9E., surveyed in Skamania County, Washington within a Special Management Area of the CRGNSA. This parcel of land is also designated Forest Land in the Management Plan for the CRGNSA.

The Forest Practices Application indicates that the type of harvest will be even-aged on 147 acres (sic) of a 240 acre parcel. This is to be accomplished by four harvest units of 12, 10, 85 and 30 acres. There will be 5 trees per acre remaining after harvest. Harvest method will be by shovel, rubber-tired skidder, swing yarder and helicopter. Harvest activities would be conditioned by the DNR to meet minimum standards for resource protection as directed only by Washington Forest Practice rules.

Under the Management Plan, developed pursuant to the CRGNSA Act, the Forest Service is responsible for the review of forest practices for compliance with the guidelines of the Management Plan regarding forest practices within Special Management Areas of the National Scenic Area. However, the state forest practice agencies are directed to regulate forest practices using the Management Plan guidelines.

The Management Plan, Part II, SMA Provisions, SMA Policies (5), page II-36, states that "Each state forest practice agency should regulate forest practices in the SMA, using the SMA guidelines for protection of the scenic, cultural, recreation, and natural resources, with the Forest Service providing the review for compliance with these guidelines."

A Forest Service staff analysis of the proposed forest practice, as described in the DNR Application, finds that the project is clearly inconsistent with the CRGNSA Management Plan and CRGNSA Ordinance as adopted by Skamania County. The following six points explain the inconsistency:

A) The Management Plan, Part I, Chapter 1-Scenic Resources, SMA Guidelines, (4) (D), page I-44, states that "the maximum size of any created opening shall be 15 acres."

Skamania County Ordinance 22.10.030 (C) (4) states that "the maximum size of any created opening shall be 15 acres."

Two even age harvest units of 85 and 30 acres with five trees per acre remaining after harvest are proposed. "Even-aged harvest" (DNR application) meets the definition of a created forest opening with less than 80 percent crown closure of trees less than 20 feet tall (Management Plan Glossary and Skamania County Ordinance 22.04.010 (36)). An 85 or 30 acre opening exceeds the 15 acre maximum.

B) The Management Plan, Part I, Chapter 3, SMA Guidelines, (6) (A) (1), "a buffer zone shall be created around sensitive wildlife and sensitive plant species. (b), A buffer zone for sites of sensitive wildlife species, such as nesting, roosting and perching sites as defined by species requirements and other state or federal agency biologists." A sensitive wildlife species is defined in the Management Plan Glossary as an animal species that is "listed as endangered, threatened, sensitive, or candidate by the Washington Wildlife Commission."

Skamania County Ordinance 22.16.030 (8) (1) states that "the following buffer zones shall be created around sensitive wildlife and sensitive plant species. b), A buffer zone for sites of sensitive wildlife species, such as nesting, roosting and perching sites as defined by species requirements and defined by a Forest Service biologist in consultation with other state or federal agency biologists." 22.04.010 (127) "sensitive wildlife species" means animal species that are: (a) Listed as endangered or threatened pursuant to federal or state endangered species acts, (b) Listed as endangered, threatened, sensitive or candidate by the Washington Wildlife Commission."



This forest practice proposal was reviewed by the State of Washington Department of Fish and Wildlife (WDFW). Their comments and recommendations were included in a June 16, 1995 letter to Lloyd Handlos, Forest Practices Coordinator, DNR, from Bryan Cowan, Regional Habitat Program Manager, WDFW (see attached letter). The letter states that "during recent field inspections, WDFW biologists discovered Larch Mountain salamanders (*Plethodon larselli*) at seven separate locations at the east end of the harvest unit." The letter also indicates that this area of the parcel exhibits typical habitat characteristic of the salamander as reported in literature for this species. An attached map designates the Larch Mountain salamander locations and habitat. These areas are located in harvest units C and D of the revised Forest Practice Application.

The letter also states that the Larch Mountain salamander is classified as "sensitive" under WAC 232-12-297 and is listed as "sensitive" by the Washington Wildlife Commission. It is also listed in the CRGNSA Management Plan Table 6 for Washington Endangered, Threatened, and Sensitive Wildlife Species in The Columbia Gorge as a candidate species.

The WDFW recommendations state that a "no-harvest area shall be physically flagged in the field, through on-site consultation with WDFW, prior to start of forest practice activities." Harvest operations as currently proposed are to occur within a sensitive species habitat area. No buffer zones have been provided. There are no conditions included in the forest practice to protect this sensitive species or its habitat. This concern is raised in a follow-up letter of November 13, 1995, to the DNR from the WDFW that states that "the proposed timber harvest would compromise the continued existence of this species within the harvest unit."

C) The Management Plan, Part I, Chapter 3, SMA Guidelines, (6) (B) (2), page I-124, states that "a minimum 200-foot buffer zone shall be created on the leeward side of each wetland, pond, or lake; or a wider variance from this requirement shall be determined during the site plan analysis of the wetland or riparian area and those species inhabiting the area, as determined by the Forest Service biologist in consultation with state and/or federal agencies."

Skamania County Ordinance 22.14.040 (C) states that "buffers shall be required for all regulated activities adjacent to regulated wetlands, lakes and ponds. All buffers shall be measured from the wetland, lake or pond boundary as established pursuant to Subsection B hereof." 22.14.040 (B) (5) states that "buffer zones shall be measures outward from a wetlands, lake or pond boundary on a horizontal scale that is perpendicular to the wetland, lake or pond boundary. The following buffer zone widths shall be required:"

"SMA: ALL WETLANDS, PONDS OR LAKES: 200 FEET (Minimum, as determined by the Forest Service biologist in consultation with state and/or federal agencies)"

There are several ponds (wetlands) of various sizes within the area of harvest operation. Harvest operations, as currently proposed, would follow only state forest practices rules which are less than Management Plan guidelines. Washington State Forest Practice Rules and Regulations Title 222 WAC (WAC 222-30-020 (7) classify wetlands as:

Type A, which are at least 1/2 acre in size, have few or no trees, touch or surround at least 1/2 acre of open water which must be present for at least seven days between April 1 and October 1, and all bogs and fens larger than 1/4 acre in size.

Type B, which are at least 1/4 acre in size, have few or no trees, and touch or surround less than 1/2 acre of open water or no open water at all.

Washington State Forest Practice rules require for Type A wetlands, an average Wetland Management Zone width of 50 feet with a minimum of 75 trees per acre greater than 6 inch diameter breast height (DBH) for wetlands for wetlands of 0.25 acres to 5 acres and all bogs/fens greater than 5 acres. Type B wetlands are require a 25 foot minimum Wetland Management Zone with a minimum of 75 trees per acre greater than 6 inch diameter breast height (DBH) for wetlands 0.5 acre to 5 acre in size. Type B wetlands, less than 0.25 acre, do not require a Wetland Management Zone.

D) The Management Plan, Part I, Chapter 3, SMA Guidelines, (6) (B) (3), page I-125, states that "A 200-foot buffer shall be created along each fish bearing and perennial stream."

Skamania County Ordinance 22.14.040 (D) states that "the following buffer widths shall be required:"

"SMA Fish-bearing and perennial streams: at least 200 feet."

Inventory maps and the presence of perennial ponds and wetlands indicate the presence of perennial streams within the proposed harvest areas. There are no buffers proposed to meet the guidelines of the Management Plan. Harvest operations, as currently proposed, would only follow State Forest Practices rules which are less than Management Plan guidelines. Washington State Forest Practice Rules and Regulations Title 222 WAC (WAC 222-30-020 (3) require a minimum 25 feet width to a maximum 75 feet width Riparian Management Zone for Type 1 & 2 water (stream) less than 75 feet wide with a minimum of 100 trees per 1000 feet length of stream for each side. The Management Plan, Part I, Chapter 3, SMA Guidelines, (2), page I-123, states that: "buffer zones are to be undisturbed unless it has been shown that no practicable alternatives exist, as evidenced by completion of a practicable alternative test."

E) The Management Plan, Part I, Chapter 3, SMA Guidelines, (6) (C) (a), page I-126, states that "Six live trees per acre, three of which shall be of the largest tree size available and three of which shall be of various sizes to provide replacements as snags and wildlife trees; and three dead trees per acre, of the largest tree size available; and three down trees per acre in the largest tree size available. All trees shall be unburned."

Skamania County Ordinance 22.16.030 (E) (2) (f) states that "Forest Practices shall maintain the following:"

"i) six live trees per acre, three of which shall be of the largest tree size available and three of which shall be of various sizes to provide replacements as snags and wildlife trees; and three dead trees per acre, of the largest tree size available; and three down trees per acre in the largest tree size available. All trees shall be unburned."

The DNR forest practice application indicates that only five trees per acre of an unknown size would remain following harvest.

F) The Management Plan, Part I, Chapter 3, SMA Guidelines, (6) (D) (1), "new uses shall avoid disturbance to old growth forests." Old growth is defined in the Management Plan as "Any stand of trees 10 acres or greater generally containing the following characteristics: 1) contain mature and overmature trees in the overstory and are well into a matured growth state; 2) in coniferous forests, will usually contain a multilayered canopy and trees of several age classes; 3) in coniferous, standing trees and down material are present; and 4) evidences of man's activities may be present, but don't significantly alter the other characteristics and would be a subordinate factor in description of such a stand."

Skamania County Ordinance 22.16.030 (E) (3) (a) states that "New uses shall avoid disturbance to old growth forests."

Aerial photos reveal that the northwest portion of the parcel, or harvest unit A, of the forest practice area exhibits potential old growth characteristics as described above. However, a field visit is necessary to adequately determine the full extent and existence of an old growth forest characteristics.

All state agencies have authority and are required to carry out their functions in accordance with the CRGNSA Act per RCW 43.97.025(1).

The first purpose of the CRGNSA Act is to protect and enhance the scenic, cultural and natural, and recreation resources of the Columbia River Gorge, Sec. 3(1). Provisions of the CRGNSA Act also provide direction and standards for the development of a Management Plan. The Guidelines of the Management Plan are specific and literal criteria to assure protection of resources. Noncompliance with the guidelines and implementation of an inconsistent action is a violation of the Act through violation of the first purpose.

If the forest practice proceeds and is implemented, significant adverse affects to the resources of the CRGNSA would occur. The first purpose of the Act and compliance with the Management Plan and Skamania County Land Use Ordinances would not be met and violations of RCW 43.97.025(1) would occur. This forest practice as approved by the DNR also violates the intent of the Washington State Forest Practices Rules and Regulations, Title 222 WAC, for protection of public resources. Further, RCW 43.97.025(1) would be violated since the DNR has not carried out its function in compliance with the CRGNSA Act and the terms of the Management Plan.

5. The Forest Service seeks the following relief:

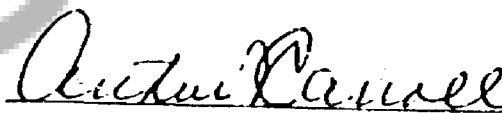
A) Temporary suspension of the DNR approval of this forest practice pending this appeal.

B) Modification of the forest practice to meet requirements of the Management Plan and the Skamania County Ordinances.

C) Submission of the modified forest practice to the Forest Service for a compliance review with the Management Plan.

D) Classification of this forest practice as "A Class IV-Special" under Washington State Forest Practices Rules and Regulations, WAC 222-10-010(4).

I have read the foregoing and believe the contents to be true.



ARTHUR J. CARROLL  
Area Manager

DATED this 21st day of November, 1995

Copies of this Notice were filed with the Department of Natural Resources on November 21, 1995, the Attorney General for the State of Washington on November 21, 1995, The Applicant, Seeder Tree Company, Inc on November 21, 1995

ATTENTION: SEEDER TREE COMPANY, INC.

Upon receipt of the Notice you are a party to this proceeding before the Forest Practices Appeals Board.

You will be notified of the time and place of hearing and you may argue in favor of your application under the Rules of Procedure found in chapter 223-08 WAC.

Your failure to participate in this proceeding may deprive you of a hearing altogether as the Forest Practices Appeals Board will not permit additional proceedings among the same parties concerning the same forest practices.

**Enclosures:**

Forest Practice Application/Notification FPA Number: A-11-20580  
Letter to David Thompson, dated, November 16, 1995  
Letter to Lloyd Handlos from Bryan Cowan, dated June 16, 1995  
Letter to Lloyd Handlos from Bryan Cowan, dated November, 13, 1995

cc: David Thompson, Seeder Tree Company, Inc.  
Office of the Supervisor, Department of Natural Resources  
Attorney General, State of Washington  
Neil Evans, Assistant US Attorney, Oregon  
Jocelyn B. Somers, Attorney, Office of General Counsel  
Lloyd Handlos, Columbia District Manager, Washington State Department of Natural Resources  
Harpreet Sandhu, Director, Skamania County Planning Department of Planning and Community Development  
Jonathan Doherty, Executive Director, Columbia River Gorge Commission  
Washington State Forest Practices Appeal Board



DNR SW REGION

360-274-4196

NOV 20 5

8:22 No.001 P.01

FOREST PRACTICES APPLICATION/NOTIFICATION  
PROCESS AND CONDITIONS

A-11-2080

CL 25

Date Received: 11/2/95	Review Comments Due: 11/16	Final Due Date: 12/4/95	Shutdown Zone: 660 ft
NAME OF OPERATOR Sieder Tree Company	NAME OF LANDOWNER Same	NAME OF TRACT OWNER Same	

SECTION(a)	TWP Nth	ROS E/W
7	3N	9E

CLASS OF APPLICATION	
<input type="checkbox"/>	CLASS II
<input type="checkbox"/>	CLASS III
<input checked="" type="checkbox"/>	CLASS III-T ROS
<input type="checkbox"/>	CLASS IV-O
<input checked="" type="checkbox"/>	CLASS IV-S CAL 25

Type of Operation Even-Aged	Acres/Miles 147	County Skamania
--------------------------------	--------------------	--------------------

<input checked="" type="checkbox"/> APPLICATION APPROVED	
CONDITIONS TO THIS APPLICATION / NOTIFICATION	
THIS OPERATION REQUIRES: <input type="checkbox"/> Hydraulic Project Approval <input type="checkbox"/> Environmental Checklist <input checked="" type="checkbox"/> Completed FPA Permit Map	
(If Compliance with Approval Conditions) 10-Year Replantation Plan DATED 10/15/95	
APPROVAL CONDITIONS:	
See Addendum A	

<input type="checkbox"/> PRE-FILE REVIEW COMPLETE	<input type="checkbox"/> APPLICATION INCOMPLETE	<input checked="" type="checkbox"/> APPLICATION COMPLETE
<input type="checkbox"/> APPLICATION ON HOLD	<input type="checkbox"/> APPLICATION DISAPPROVED	

DEPARTMENT OF NATURAL RESOURCES SIGNATURE E. W. W. W.	TITLE: Forest Practices Coordinator	DATE 11/20/95	INT.: Out
REGION SOUTHWEST	AGENCY COPIES SENT: 10/16/95 - 11/19/95 to	FINAL COPIES SENT: 11/20/95	EXPIRATION DATE: 11/20/97

COPIES DISTRIBUTED TO:	<input checked="" type="checkbox"/> FP FORESTER	<input checked="" type="checkbox"/> ECOLOGY	<input checked="" type="checkbox"/> FISHERIES	<input checked="" type="checkbox"/> WILDLIFE
AFFECTED INDIAN TRIBE:	Yakama	OTHERS:	✓	LOCAL GOVERNMENT: ✓
AFFECTED INDIAN TRIBE:		OTHERS: Nil. Semi		LOCAL GOVERNMENT:
AFFECTED INDIAN TRIBE:		OTHERS: George Conn.		LOCAL GOVERNMENT:

FORM DNR QQ-77 (4-93)

Friends of the  
Hager

2011  
11/20/95  
RSC

November 15, 1995

ADDENDUM A

FPA-11-20580

Operation subject to the following:

Reforestation plan as written by Stephen L. Head for Andrew Holman et. al. dated October 15, 1995. This plan includes yarding restrictions and the protection of residual vegetation.

Map provided on November 13, 1995 to Lloyd Handlos and Mary McDonald by David Thompson of Seeder Tree Co.

In area C the agreed upon road location allows for building the road on the east side of the draw, crossing through the narrow gap, then immediately crossing back across to the east side of the wetland and stream and climbing upward and away from the running water. Note revised map dated November 13, 1995.

NOV 06 1995

T 11/16

Revised

NATIONAL SCIENCE AFFOREST PRACTICES APPLICATION/NOTIFICATION  
PROCESS AND CONDITIONS

FTA NUMBER:  
A-11-20580  
CL2

Date Received: 11/2/95	Review Comments Due: 11/16	Final Due Date: 12/4/95	Shutdown Zone: 660
NAME OF OPERATOR Seedco Tree Company	NAME OF LANDOWNER Same	NAME OF TRIGGER OWNER Same	

SECTION(s)	TWP Nth	RGE E/W
7	3N	9E

CLASS OF APPLICATION	
<input type="checkbox"/>	CLASS II
<input type="checkbox"/>	CLASS III
<input type="checkbox"/>	CLASS III-T
<input type="checkbox"/>	CLASS IV-O
<input checked="" type="checkbox"/>	CLASS IV-S <i>SMAPES</i>

Type of Operation <i>Even-aged</i>	Acres/Miles 147	County <i>Skamania</i>
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☐ APPLICATION APPROVED

CONDITIONS TO THIS APPLICATION / NOTIFICATION

THIS OPERATION REQUIRES: ☐ Hydraulic Project Approval ☐ Environmental Checklist ☐ Completed FTA Form Map

☐ Compliance with Approval Conditions ☐ Other

APPROVAL CONDITIONS:

☐ PRE-FILE REVIEW COMPLETE ☐ APPLICATION INCOMPLETE ☒ APPLICATION COMPLETE

☐ APPLICATION ON HOLD ☐ APPLICATION DISAPPROVED

DEPARTMENT OF NATURAL RESOURCES SIGNATURE		TITLE		DATE	INIT.
REGION: SOUTHWEST	AGENCY COPIES SENT: 10/10/95 5/11/95 12/11/95 1/11/95	FINAL COPIES SENT:	EFFECTIVE DATE:	EXPIRATION DATE:	

COPIES DISTRIBUTED TO: ☒ FP FORESTER ☒ ECOLOGY ☒ FISHERIES ☒ WILDLIFE

AFFECTED INDIAN TRIBE: *Y. Kama* OTHERS: *✓* LOCAL GOVERNMENT: *✓*

AFFECTED INDIAN TRIBE:  OTHERS: *Ntl. Sec. i* LOCAL GOVERNMENT:

AFFECTED INDIAN TRIBE:  OTHERS: *George Conn.* LOCAL GOVERNMENT:





WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

JENNIFER M. BELCHER  
Commissioner of Public Lands  
KALEEN COTTINGHAM  
Supervisor

Date 4-26-95

TO: Forest Practices Reviewing Agencies/Interested Parties

RE: Rain-on-Snow Rule, WAC 222-22-100

The department has the responsibility to implement rules adopted by the Forest Practices Board. The recent rule regarding rain-on-snow and clearcut size directed the department to implement a new type of rule. This rule required the use of a new approach in the regulation of forest resources. The rule obligates the department to take a broader look at the landscape and departs from the reliance on regulations that only apply to the circumstances of a single application.

Forest practice # 20580 has been preliminarily determined to be in a significant rain-on-snow zone. Before any conditions are applied to an application, all the following circumstances must occur:

1. The application must be in a significant ROS zone.
2. There are preliminary indications of "local evidence of peak flows which have resulted in material damage to public resources".
3. There are significant amounts of hydrologic immaturity in the basin.
4. An Interdisciplinary Team (IDT) has reviewed the previous three points and has provided recommendations to the department.
5. The department develops conditions that reflect the on-the-ground facts and recommendations of the IDT.

The department is asking for your help to determine if there is "local evidence" as part of step two.

The forest practices rules and law require timely processing of applications. Please provide any information in writing by 5-10-95, which is 10 (ten) working days from the date of the transmittal of this forest practices application.

For further clarification regarding implementation of this rule, please contact the Regional Office or refer to the current implementation guidelines.



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

Revised 11/1/86  
S.D. New London  
Plan  
New plan

FPA NUMBER:  
17-11-205PC

RMS Payment ID#

**FOREST PRACTICES  
APPLICATION / NOTIFICATION**  
**I. GENERAL INFORMATION SECTION**

REFER TO THE INSTRUCTIONS TO ASSIST IN THE COMPLETION OF THIS FORM. TYPE OR PRINT IN PERMANENT INK.

<b>1. FULL LEGAL NAME AND/OR COMPANY / DIVISION NAME OF OPERATOR</b> <u>SEEDER TREE Co.</u>	<b>2. FULL LEGAL NAME AND/OR COMPANY / DIVISION NAME OF LANDOWNER</b> <u>SEEDER TREE Co</u>	<b>3. FULL LEGAL NAME AND/OR COMPANY / DIVISION NAME OF TIMBER OWNER</b> <u>SEEDER TREE Co.</u>
<b>BUSINESS ADDRESS</b> <u>105 EAST 8<sup>TH</sup> AVE</u>	<b>BUSINESS ADDRESS</b> <u>105 EAST 8<sup>TH</sup> AVE</u>	<b>BUSINESS ADDRESS</b> <u>105 EAST 8<sup>TH</sup> AVE</u>
<b>CITY STATE ZIP</b> <u>OLYMPIA WA 98501</u>	<b>CITY STATE ZIP</b> <u>OLYMPIA WA 98501</u>	<b>CITY STATE ZIP</b> <u>OLYMPIA WA 985</u>
<b>PHONE</b> <u>1360 951-2814</u>	<b>PHONE</b> <u>1360 951-2814</u>	<b>PHONE</b> <u>1360 951-2814</u>
<b>Unified Business Identifier for SSN #1</b> UBI <input type="checkbox"/> SSN <input type="checkbox"/>	<b>Unified Business Identifier for SSN #1</b> UBI <input type="checkbox"/> SSN <input type="checkbox"/>	<b>Unified Business Identifier for SSN #1</b> UBI <input type="checkbox"/> SSN <input type="checkbox"/>
<b>4. TYPE OF LEGAL ENTITY</b> <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> MULTIPLE OWNER <input type="checkbox"/> SOLE OWNER <input type="checkbox"/> OTHER (specify)	<b>TYPE OF LEGAL ENTITY</b> <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> MULTIPLE OWNER <input type="checkbox"/> SOLE OWNER <input type="checkbox"/> OTHER (specify)	<b>TYPE OF LEGAL ENTITY</b> <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> MULTIPLE OWN <input type="checkbox"/> SOLE OWNER <input type="checkbox"/> OTHER (specify)

FOR TAX REPORTING INFORMATION OR TAX NUMBERS CALL 1-800-548-8829

**5. FOREST TAX REPORTING ACCOUNT No:**

800-031-271

**6. ☐ YES ☒ NO - IS THE OPERATION WITHIN CITY LIMITS?**

**NAME OF CITY(S):**

**7. ☐ YES ☒ NO - IS THE OPERATION WITHIN A PUBLIC PARK? If yes, an Environmental Checklist is required.**

**☐ YES ☒ NO - IS THE OPERATION WITHIN 500 FEET OF A PUBLIC PARK?**

**NAME OF PARK:**

**8 a. LEGAL SUB-DIVISION OF OPERATION(S):**

SUB-DIVISION (1/4, 1/4)	SECTION	TWP	RANGE (ENW)
<u>SW 1/4 + W 1/2, SE 1/4</u>	<u>7</u>	<u>9</u>	<u>9E</u>

**8 b. PARCEL OR LOT No:**

PARCEL OR LOT NUMBER
<u>3-9-18</u>

**9. ☐ YES ☒ NO - WAS THE LAND PLATTED AFTER JANUARY 1, 1960 (INCLUDING SHORT PLATS)?**

(You May Contact County Assessor for Verification). If Yes, Environmental Checklist Is Required

**10. ☐ YES ☒ NO - LANDOWNER INTENDS TO CLEAR, IMPROVE OR DEVELOP LAND WITHIN THREE YEARS?**

**NOTE:** 1. If yes, attach a completed Environmental Checklist.

2. A local government clearing and/or grading permit may be required.

3. See the instructions for more information relating to conversions.

**THE FOLLOWING IS PROVIDED FOR YOUR INFORMATION:** If the Forest Practices Application or Notification does not state there is an intent to convert the forest land to non-forestry uses the county, city, town or regional governments may require permits or approvals for conversion to non-forestry land uses for a period of six (6) years from the date of the application notification. See the instructions under item # 10, and regulations, including but not limited to, RCW 76.09.060, RCW 76.09.170(7), WAC 222-20-010, WAC 222-20-040 and 222-20-050.

**11. ☐ YES ☒ NO - DO YOU HAVE AN APPROVED CONVERSION OPTION HARVEST PLAN (COHP)?**  
If yes, include a copy of the approved plan. **NOTE:** Not all Local Governments issue COHP's.

(For FPA Fee Information see the Instructions)

## II. WATER SECTION

All work within Type 1-3 Waters will require a Hydraulics Project Approval (HPA). Work within Type 4-5 Waters may require HPA. Completion of this section will serve as your request for an HPA from the Department of Fish and Wildlife. If you are operating within 200 feet of a Type 1 or 1+ Water, contact the local government for shoreline management information.

12. ☒ YES ☐ NO - WILL THERE BE ANY ACTIVITIES THAT WILL BE WITHIN OR OVER THE ORDINARY HIGH WATER MARK OF ANY WATER? (If you will not be working in or above any typed water, go to Section III.)

If YES, check (✓) the activities you will be doing in each type of water. The location of all culverts and bridges must be shown on the base map. Culvert Base Map information must include culvert length, diameter, and type (round or half pipe). Bridge location information must show whether the bridge is temporary or permanent. (For Water Type information see WAC 222-16-030.)

☐ YES ☐ NO - Are all waters shown on the Base Map. (If No, please show all unmarked water locations.)

Water Type	(A) Road Constr.	(B) Water Crossing	(C) Felling & Bucking	(D) Cable Yarding	(E) Suspending Cables Over Water	(F) Ground Slidding (Skidder or Tractor)	(G) Operate Other Equipment	(H) Apply Chemicals	(I) Other Activity (Show under question 30)
1									
2									
3	ROAD MAINTENANCE		✓			✓			
4									
5	✓	✓	✓			✓			

13. ☒ YES ☐ NO - WILL THERE BE ANY ACTIVITIES WITHIN 200 FEET OF A TYPE 1-3 WATERS?

50 FEET

If Yes, how close? (Measure all distances horizontally.)

Show the location of all Riparian Management Zones (RMZs) on the Base Map. (See WAC Chapter 222-30.)

14. ☒ YES ☐ NO - WILL THERE BE ANY ACTIVITIES WITHIN 25 FEET OF TYPE 4-5 WATERS?

15. ☐ YES ☒ NO - ARE YOU AWARE OF ANY WATER INTAKES IN YOUR UNIT OR WITHIN 1/2 MILE DOWNSTREAM OF THIS OPERATION?

16. ☐ YES ☒ NO - WILL YOU BE REMOVING TREES WITHIN THE MAXIMUM WIDTH RIPARIAN MANAGEMENT ZONE IF YES, AND THE TREES ARE PROVIDING SHADE TO THE STREAM, GIVE THE MIDPOINT ELEVATION AND EXISTING SHADE COVER OF ALL STREAM REACH(S) AND LABEL THE STREAM REACH(S) ON THE MAP. (For more details see WAC 222-30-040.)

STREAM REACH #1. \_\_\_\_\_ ELEV. \_\_\_\_\_ % COVER. STREAM REACH #2. \_\_\_\_\_ ELEV. \_\_\_\_\_ % COVER.  
STREAM REACH #3. \_\_\_\_\_ ELEV. \_\_\_\_\_ % COVER. STREAM REACH #4. \_\_\_\_\_ ELEV. \_\_\_\_\_ % COVER.

## III. WETLAND SECTION

17. ☐ YES ☒ NO - DO WETLANDS EXIST INSIDE OR WITHIN 200 FEET (horizontally) OF YOUR PROPOSED FILL PRACTICES BOUNDARY? (If wetlands do not exist within or around this application go to Section IV.)

If YES, show the location and classification of all Wetlands on the Base Map, and check (✓) the appropriate square in the following table describing your work within a Wetland or Wetland Management Zone. (For wetland typing information see WAC 222-16-035.)

Wetland Type	(A) Road Constr.	(B) Water Crossing	(C) Felling & Bucking	(D) Cable Yarding	(E) Suspending Cables Over Water	(F) Ground Slidding (Skidder or Tractor)	(G) Operate Other Equipment	(H) Apply Chemicals	(I) Other (Show under question 30)
A									
B									
Forested									

18. ☐ YES ☒ NO - WILL YOUR PROJECT BE FILLING OR DRAINING A WETLAND?

( \_\_\_\_\_ ACRES)

If Yes, how many acres will you be filling or draining? (Enter acreage to the nearest 1/10.) A mitigation plan and a SEPA checklist must accompany this application if you are filling or draining more than 1/2 acre of any wetland.

#### IV. ROAD SECTION

19. ☒ YES ☐ NO - IS THERE ANY ROAD WORK OR ROCK PIT DEVELOPMENT ASSOCIATED WITH THIS APPLICATION? (If YES, complete all blocks that apply and LABEL EACH TYPE SEPARATELY ON MAP.) (If you will not be doing any work involving roads go to Section V.)

TYPE OF CONSTRUCTION	TOTAL LENGTH IN FEET	TOTAL LENGTH OF ENDHAUL/OVERHAUL (no sidetrack) CONSTRUCTION  Show All Locations On Map	STEEPEST SIDE SLOPE ROAD CROSSES (in percent)
<input checked="" type="checkbox"/> NEW PERMANENT ROAD	400		15-20
<input type="checkbox"/> NEW TEMPORARY ROAD			
<input checked="" type="checkbox"/> EXISTING ROAD RECONSTRUCTION	2500		35-45
<input checked="" type="checkbox"/> EXISTING ROAD MAINTENANCE	4500		35-45
<input type="checkbox"/> ROAD ABANDONMENT			
<input type="checkbox"/> ROCK PIT DEVELOPMENT	Indicate Pit Locations on Map. Show timber harvest volumes and acreage in question 21.		

#### V. TIMBER HARVEST SECTION

20. ☒ YES ☐ NO - WILL YOU BE HARVESTING TIMBER AS A PART OF THIS PROPOSAL? (If YES, complete all blocks that apply and show on map.) (If you will not be harvesting timber as a part of this proposal, go to Section VI.)

UNIT #	TYPE OF HARVEST (Even-aged, Uneven-aged Salvage and/or Right of Way)  (For Harvest Type Information see "Even-aged Harvest" under WAC 222-16-010)  Show the location of each harvest type on Map	TREES PER ACRE REMAINING AFTER HARVEST  (Only count trees that meet the requirements under Even-aged Harvest in WAC 222-16-010)	METHOD OF HARVEST  (Ground Cable, Highlead, Skidding, Skidding, Rubber Tired Skidder, Tracked Skidder, Animal, Helicopter or Balloon)	ACRES (per type of harvest)	PERCENT OF VOLUME TO BE CUT	ESTIMATED VOLUME TO BE HARVESTED (in MBF)
A	EVEN AGED	5	SHOVEL + RT SKIDDER	12	95	800
B	EVEN AGED	5	" "	10	95	250
C	EVEN AGED	5	SHOVEL - SWING YARD RT-SKIDDER	85	95	2000
D	EVEN AGED	10	HELICOPTER	30	75	250
				147		

For even-aged harvests, provide surrounding stand information on the map as required under WAC 222-30-025. See instructions.

21. ☐ YES ☒ NO - WILL YOU BE HARVESTING TIMBER OR LEAVING TREES WITHIN TWO TREE LENGTHS OF OVERHEAD POWER LINES? (If yes, the applicant needs to notify the appropriate Power Company.)
22. INDICATE HOW THE FOLLOWING WILDLIFE TREES WILL BE LEFT: (Check all that apply)  
• See WAC 222-30-020 (11) for Wildlife Reserve Tree, Green Recruitment Tree and Down Log leave requirements

##### WILDLIFE RESERVE TREES

##### GREEN RECRUITMENT TREES

- ☒ YES ☐ NO - CLUMPED (Show on Map) ☒ YES ☐ NO - CLUMPED (Show on Map)  
☒ YES ☐ NO - EVENLY DISTRIBUTED (Throughout Unit) ☒ YES ☐ NO - EVENLY DISTRIBUTED (Throughout)

23. ☐ YES ☒ NO - WILL YOU BE LEAVING A DOUBLE-WIDE RMZ(s) FOR GREEN-UP?  
INDICATE DOUBLE-WIDE RMZ LOCATION(s) ON MAP

24. REFORESTATION METHOD: Reforestation is required for lands harvested after January 1, 1975 as shown WAC 222-34-010 (West of Cascades Summit), or WAC 222-34-020 (East of Cascades Summit).

☒ PLANTING (Species: DF - GF - HEMLOCK - NOBEL & CEDAR)  
☒ NATURAL (Applicant must submit a Reforestation Plan - See Instructions.)  
☐ REFORESTATION NOT REQUIRED under WAC 222-34-010, 222-34-020 or 222-34-050.



## VI. CHEMICAL APPLICATION SECTION

25. ☐ YES ☒ NO - THIS FOREST PRACTICE INVOLVES THE APPLICATION OF PESTICIDES OR FERTILIZER?  
If YES, answer the questions below. (If no, go to Section VII.)
- ☐ FERTILIZER APPLICATION - ACRES ( ) - For fertilizer applications answer question 28 and show application locations on the Base Map..
- ☐ PESTICIDE TREATMENT - ACRES ( ) - For pesticide applications answer questions 26 27 and 28, and indicate areas to be treated on the Base Map. Describe in the "General Description Section", the purpose of the pesticide treatment(s) you are proposing.
26. LIST THE EPA REGISTRATION NUMBERS, TRADE NAMES, AND RATES OF APPLICATION FOR ALL CHEMICAL PROPOSED, INCLUDING ALL ADJUVANTS.

EPA REG. No.	Trade Name of Chemical	Application Rate of Active Ingredient Per Acre	Unit of Measure

27. ☐ YES ☐ NO - WILL THIS PESTICIDE BE USED UNDER A DEPARTMENT OF AGRICULTURE EXPERIMENTAL USE PERMIT? If yes, include a copy of the Experimental Use Permit.
28. CHEMICAL INFORMATION CONTACT PERSON \_\_\_\_\_ PHONE # ( ) \_\_\_\_\_  
(Additional information may be required for activities relating to the application of pesticides.)

## VII. GENERAL DESCRIPTION SECTION

29. Provide any details that will give a better understanding of your project. ADJACENT LAND OWNERS / ALL SIDES IS THE U.S. FOREST SERVICE.  
IN UNITS A, B, & C ALL HEALTHY STANDS OF TWO OR MORE ACRES OF TIMBER THAT IS LESS THAN 40 YEARS OLD WILL BE THINNED. THE REMAINDER WILL BE CLEAR CUT.



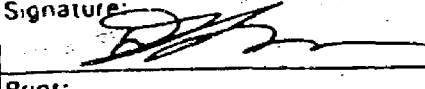
### THE FOLLOWING IS PROVIDED FOR YOUR INFORMATION:

RCW 76.09.220 (8) provides any aggrieved person the right to appeal the approval or disapproval of a forest practices application. RCW 43.21C.075 provides any aggrieved person the right to appeal issues arising under the State Environmental Policy Act. Appeals must be filed within 30 days of the approval or disapproval of a forest practices application. Appeals must be filed with the FOREST PRACTICES APPEALS BOARD, PO BOX 40903, 4224 - 6TH AVE SE BLDG #2, LACEY, WA 98503. Appeals must be filed in writing on the form required in Title 223.08. Concurrently with filing of the Forest Practices Appeals Board, copies of the appeal also be filed with the OFC OF THE SUPVR, DEPT OF NATL RES, 1111 WASHINGTON ST SE, 4th FL NATL RES BLDG, PO BOX 47001, OLYMPIA, WA 98504 and with the ATTY GEN, 905 PLUM ST SE BLDG 5, PO BOX 40100, OLYMPIA, WA 98504-0100.

Compliance with this application/ notification does not ensure compliance with the Endangered Species Act, or other federal, state, or local laws.

## SIGNATURE BLOCKS

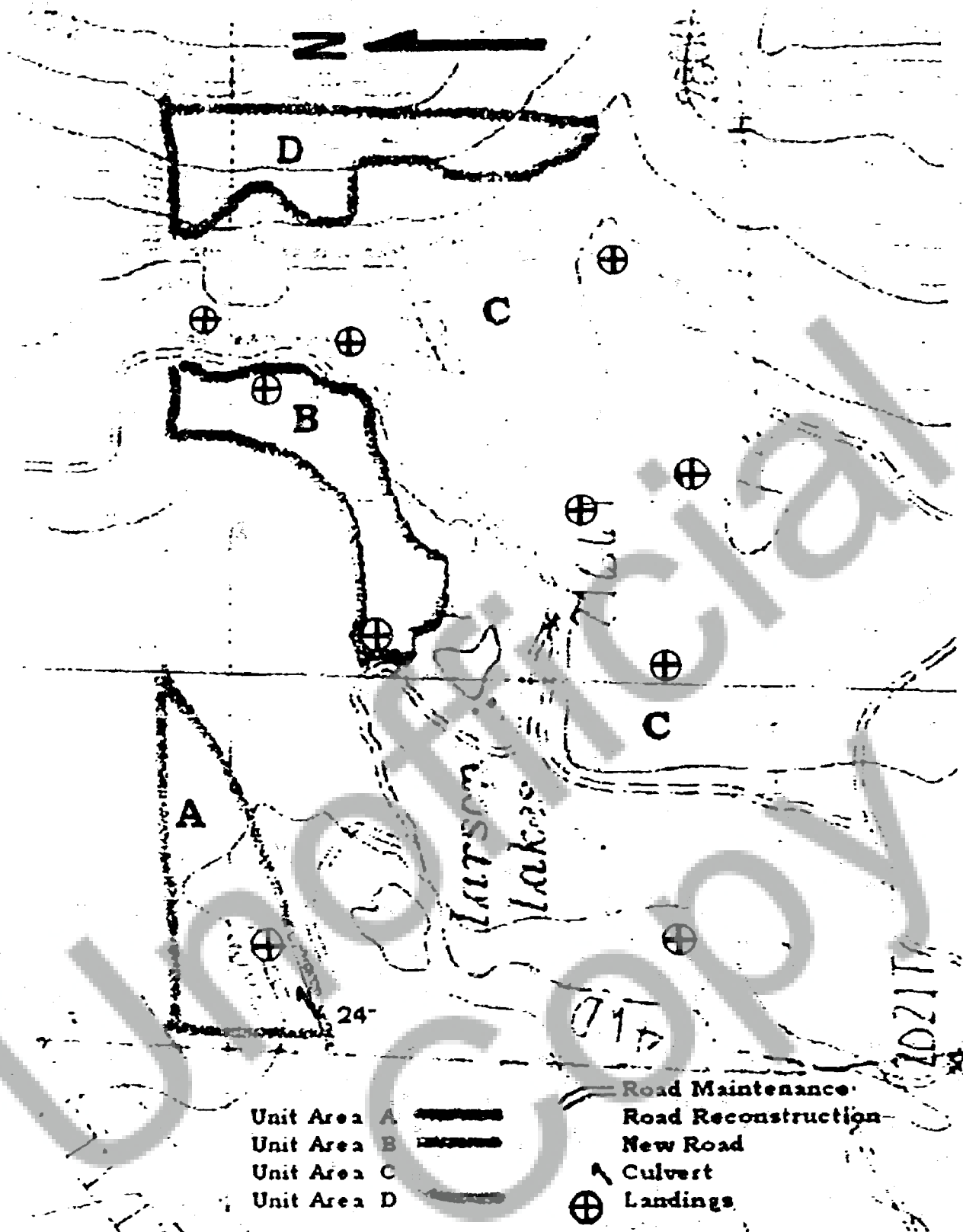
I declare under the penalty of perjury of the laws of the state of Washington that the information contained herein is true and understand that this proposed Forest Practice is subject to the current rules and regulations of the forest practices act, as any applicable Federal, State or Local rules and regulations.

OPERATOR	LANDOWNER	TIMBER OWNER
Signature: 	Signature: 	Signature: 
Print: DAVID L. THOMPSON	Print: DAVID L. THOMPSON V.P.	Print: DAVID L. THOMPSON
Date: 1 Nov 95	Date: 1 Nov 95	Date: 1 Nov 95

A-11-2-80

Revised

11-1-95

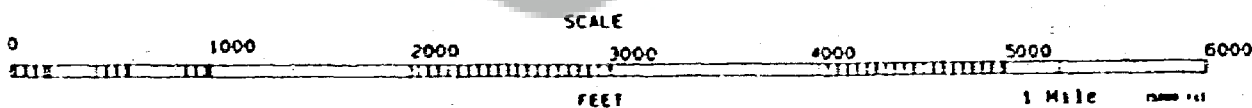
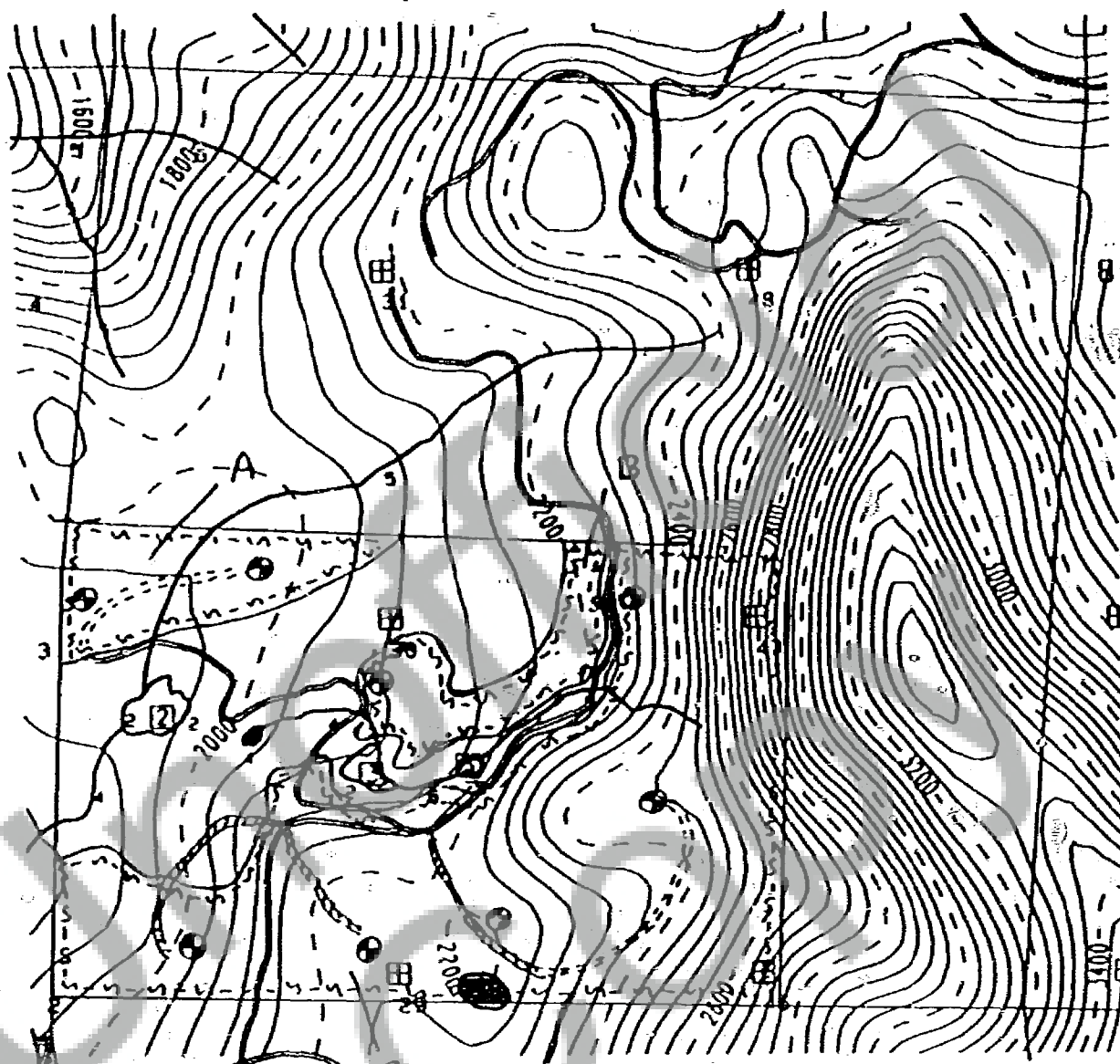




Revised  
11-1-95

# FOREST PRACTICE BASE MAP

TOWNSHIP 03 NORTH, RANGE 09 EAST (N.M.). SECTION 07  
APPLICATION 1 20580



MAP DATE: May 23, 1994

CONTOUR INTERVAL: 40 Feet  
NAD 27

LEGEND: See Instructions  
DISCLAIMER: See Legend



Stephen L. Head  
Forester

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P. O. Box 1758, White Salmon, Washington 98672-1758 • 509/493-4018

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October 15, 1995

Thomas B. Murley  
Washington Department of Natural Resources  
P.O. Box 280  
Castle Rock, Washington 98611-0280

RE: Forest Practice Application #A-11-20580, Landowner: Andrew Holman, et. al.; Section 7, Township 3 North, Range 9 East, V.M.

Dear Mr. Murley,

I have prepared the following logging and reforestation plan for David I. Thompson. This plan is designed to:

1. protect the growing sites for reforestation after harvest operations,
2. meet or exceed all standards required by the Washington Forest Practices Act,
3. establish a timeline for activities related to reforesting the harvested sites,
4. and present a contingency plan in case the primary plan doesn't result in stocking levels required by the Act.

The plan is divided into two sites requiring different protection measures because of the difference in soils and exposure levels to extreme weather conditions. The site numbers (letters) correspond to the Unit #'s identified on page 3 of the Forest Practice Application.

UNIT #C: East and Southeast of road, below rock outcroppings. This area is now supporting a naturally seeded stand of western hemlock and Douglas fir that ranges in volume from 8 MBF to 30 MBF per acre. Slopes are moderate to steep, ranging from 10 % up to 100%. The Skamania County Soil Survey identifies the soils in this area to be Undusk Gravelly Loam with a site index of 88. I have taken 6 site index measurements equally spaced throughout the unit and determined that the actual site index ranges from 90

to 130 but is an average of 110 (Kings 50 year index). Most likely the higher than expected growth rate on the site comes from a higher rainfall than the surrounding countryside. The many times that I have been on this property over the last two years, in all seasons, are distinguished by the fact that it always seems to be raining here, even when it isn't in the surrounding hills. The fact that Augspurger Mountain is the East boundary of the property probably plays a role in creating a micro-climate with more than average rainfall for the immediate area. The existence of western hemlock on the middle and lower slopes testifies to the relatively high amount of available water in the soil.

While seedling mortality can be expected to be slight, once harvested and planted, there is some potential for soil damage by equipment operation, road building, and log skidding. To this end, the following precautions shall be taken.

1. Equipment operations should be allowed only when soil conditions not excessively wet. All roads must be outsloped and waterbarred or insloped and ditched with culverts spaced according to Forest Practices Act guidelines (See Forest Practices Board Manual).
2. No ground based equipment (skidders or shovels) should be operated in any conditions on slopes exceeding 35%.
3. On slopes exceeding 35%, high-lead logging systems shall be used.
4. Every attempt should be made to protect any established regeneration of any size.

**REFORESTATION:** The area will be planted with 400 to 500 2-0 Douglas fir seedlings per acre. In areas where soils are too rocky to use conventional tree planting tools, planting augers shall be used. Local planting crews, experienced in planting U.S. Forest Service clearcuts in similar terrain near Mt Adams and in the Mt St Helens devastated area have the equipment and experience needed to do an adequate job of this.

page 3

Most of this stand is on North and West facing slopes so extreme exposure to sun and drying winds should not be substantial. However, on slopes that are exposed to East winds and drying afternoon summer sun, seedlings shall be protected by either planting within 1 foot of, and on the North side of existing stumps, or where no stumps are available, sunshades shall be used in accordance to manufacturers instructions and on the South side of planted seedlings. Sunshades specifically designed for this type of situation are available from reforestation supply catalogues.

Planting should be done in early spring as soon as the ground is not subject to frost heave-most likely in mid to late March but no later than April 15.

A regeneration survey shall be conducted as outlined in the Forest Practices Board Manual in the October following planting. If stocking levels do not meet Forest Practices Act standards at that time, an interplant or replant shall be conducted during the next planting season.

#### UNIT #D: Augspurger Mountain.

This area is on top of the bluff leading up to the top of Augspurger Mountain and consists of soils classified as "rock outcropping and rubble. The little soil that is available should be protected. The only practicable insurance of continuing forestation of this site is by providing a steady source of viable seed over time and by protecting the regeneration that now exists on the site. To this end, a shelterwood type system shall be employed to provide shade and a seed source.

This area will be logged by helicopter to prevent damage to soils. No skidding will be done. Timber will be felled, bucked, limbed, and then lifted straight off of the ground to avoid any soil disturbance. The landing for this operation will be the upper landing in UNIT #C. All attempts will be made to avoid damage to trees of any age in the falling and bucking operation.

Ten windfirm trees of good form and of seed bearing age shall be left per acre. These trees will be marked prior to the operation by a forester. Most likely, there are already enough

page 4

seedlings and saplings established to satisfy Forest Practices Act rules. Selection of good seed source "leave" trees will continue the process.

A regeneration survey shall be conducted as outlined in the Forest Practices Board Manual in the October following logging. If stocking levels do not meet Forest Practices Act standards at that time, an aerial seeding project shall be conducted, contingent upon the availability of an adequate supply of quality seeds, at first opportunity.

**TIMELINE:**

Logging operations  
UNITS #C & #D

upon approval of FPA.

Tree planting UNIT#C

1st spring after logging

Regeneration surveys


UNIT #C 1st October following  
tree planting

UNIT #D 1st October following  
logging

Followup reforestation

1st season following stocking  
surveys

\* \* \*

  
STEPHEN L. HEAD  
Forester

  
DAVID L. THOMPSON  
Operator





WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

July 6, 1995

David I. Thompson  
Seeder Tree Company, Inc.  
105 East 8th Street  
Olympia, WA 98501

Dear Mr. Thompson:

Re: Forest Practice Application #A-11-20580, Landowner: Andrew Holman, et. al.; Section 7, Township 3 North, Range 9 East, W.M.

On June 15, 1995 we conducted an interdisciplinary (ID) team meeting on the site of forest practice application #A-11-20580. One issue we addressed was reforestation on the lower slopes of Ausberger Mountain on the east end of your proposal. Gerry Hoyer, silviculturist with the Department of Natural Resources reviewed the site and submitted the attached report. In the report, Mr. Hoyer concluded that both stands reviewed were "difficult regeneration areas as defined in WAS 222-34-030 (1)". Therefore we are requesting a reforestation plan that addresses harvest systems (how you plan to protect this site during harvesting), post harvest site preparation and reforestation.

The plan should include the following:

- 1) Your plans to protect the site for reforestation during harvest operations.
- 2) Your plans for regenerating the site to meet forest practice standards.
- 3) Timelines for regeneration of the site.
- 4) A map showing where different types of protection and regeneration measures will be used on different parts of your proposal.
- 5) A contingency plan should your primary plan not work within the timelines you submit.
- 6) The plan should address that area of your proposal that lies east and southeast of the main road through the site.

We will continue with the processing of this permit when we receive the plan. In addition, the original application was sent back to the landowner and must be returned to us. When initially submitted, questions 5, 16, 19, 22 and 23 were not answered. Please insure that the application is complete and return it to our office as soon as possible.

If you have any questions or concerns please contact me through our Castle Rock office at (360) 577-2025.

Sincerely,

*Thomas B. Murley*

Thomas B. Murley  
Forest Practices Forester

TM:dlr

Attachment

cc: 1) Landowner; 2) Gerry Hoyer, Silviculturist, Natural Resources;  
3) FPA #20580; 4) Tickler-8/7/95

SOUTHWEST REGION • 601 BOND RD • PO BOX 280 • CASTLE ROCK, WA 98611-0280 • FAX: (360) 272-4195 • TEL: (360) 577-2025

*Also M. Day  
FO. 6/14/95  
7/10/95*