



Denis Law Mayor

April 27, 2018

State Department of Natural Resources
Forest Practices
1111 Washington Street SE
Olympia, WA 98501-7010

RE: City of Renton Comments Regarding Forest Practices Application/Notification #2420111

Dear Sir or Madam:

The City of Renton is hereby submitting comments on Forest Practices Application/Notification #2420111 made by Dalpay Properties LLC and dated April 20, 2018. The application is to harvest 28 acres of timber on two adjacent parcels on Cougar Mountain, one located in the City of Newcastle, and one located in unincorporated King County. The City of Renton's boundary abuts the west end of the King County parcel. Stream 'A,' a Type 'F' fish bearing stream, flows through the Newcastle parcel and empties into May Creek, a Shoreline of the State that supports the following species of salmonids: Chinook, Sockeye, Coho, Steelhead, Cutthroat trout and Kokanee (confirmed within the last two years immediately upstream of the I-405 May Creek Bridge). May Creek flows west through Renton and empties into Lake Washington.

The City of Renton is very concerned about deleterious impacts this proposal could have on the downstream environment and the fragile May Creek Basin. Specifically we are concerned about impacts on steep, unstable slopes, the potential for silt-bearing runoff to enter Stream 'A' and then May Creek leading to takes of the salmonids that live there, the loss of 0.7 acres of forested wetland that would be filled to create the access road, the installation of a culvert in Stream 'A' that could introduce a fish passage barrier and other associated impacts. These impacts are barely recognized in the application, and there is no evaluation or mitigation offered. These concerns are addressed more specifically as follows.

Renton urges that the DNR disapprove the application because, among other reasons, the intended timber harvest is misclassified as a Class III forest practices. At a minimum, this application, which was submitted as a Class III forest practices, should be reclassified to a Class IV-special and subjected to SEPA review, and should be reviewed by the Department of Fish and Wildlife as a hydraulic project involving Type F waters.

Disturbance of Steep, Unstable Slopes and Landforms

1. Forest Practices Application 2420111 is self-contradictory about steep, unstable slopes. While it states that there will be ground-based equipment placed on slopes greater than 40% and the FPA indicates that unstable slopes or landforms consistent with WAC 222-16-050(d)(i) may be present within the harvest area, question 11 states there are no potentially unstable slopes in the area of the forest practices activity.
2. The steepest slope in the harvest area is stated to be 65% in question 21.
3. **WAC 222-16-050, Classes of forest practices**, states in Provision (1) that a Class IV-special classification should be used and SEPA review applied if the following provisions apply. Provision (1)(d)(i)(A) states that potentially unstable slopes are one of the following: inner gorges. The Enlarged Forest Practices Activity Map for this application shows that Stream 'A' (Type F water) passes through an 'inner gorge' where a 210-foot length of the stream is proposed to be confined in a 24-inch by 30-inch culvert. Provision (E) states any areas containing features indicating the presence of potential slope instability which cumulatively indicate the presence of unstable slopes makes the project eligible for SEPA review.
4. **WAC 222-10-030** states that SEPA policies for potentially unstable slopes should be applied if the proposal "would deliver sediment or debris to a public resource." Silt-laden runoff from this project would deliver sediment to salmon-bearing May Creek, which receives the flow of Stream 'A'. It also requires additional information, provided by a qualified expert, describing the potentially unstable landforms, the likelihood that the project would deliver sediment or debris to a public resource and any possible mitigation for the identified hazards and risks. The application appears to lack this required additional information.
5. By these criteria, this application should be disapproved as a Class III forest practices, reclassified as a Class IV-special forest practices, SEPA should be applied and the required additional information should be submitted by the applicant.
6. Since there appears to be no analysis by a qualified expert, the application is incomplete.



Impact on Special Threatened and Endangered Species

1. **WAC 222-10-040 Class IV-Special threatened and endangered species SEPA policies** establishes that due to potential impacts of sediment-laden runoff from this project into downstream May Creek that serves as the home of salmonids including threatened species, that in addition to SEPA policies, the department shall consult with the department of fish and wildlife and other agencies with expertise, affected landowners, affected Indian tribes and others with expertise when evaluating the impacts of forest practices.
2. **WAC 222-20-017, Applications that include forest practices hydraulic projects**, Provision (4) requires concurrence review for culvert installation at or below the bankfull width in Type F waters. This proposal includes the installation of a 210 foot long culvert for Stream 'A,' which is a Type F water. This requires hydraulic project review by the Department of Fish and Wildlife. Provision (5) states that an application will be disapproved if the department determines, after consultation with the Department of Fish and Wildlife, that a forest practice as hydraulic project in the application will result in direct or indirect harm to fish life, unless adequate mitigation can be assured by conditioning the application for the project.

Application Incomplete and Contradictory

1. The FPA is misclassified as a Class III forest practices because there is no applicable approved watershed analysis. Reference: WAC 222-16-050(1)(d)(ii)(A).
2. Item 20 in the application indicates that 0.7 acres of forested wetlands will be harvested for the road, and the Enlarged Forest Practices Activity Map shows that the access road will be built through the wetlands. This is in excess of 0.5 acres of wetland area being filled or drained. Accordingly, the FPA cannot be approved as a Class III forest practices. Reference: WAC 222-16-050(1)(h).
3. The application lacks information, provided by a qualified expert, describing the potentially unstable landforms, the likelihood that the project would deliver sediment or debris to a public resource, and any possible mitigation for the identified hazards and risks.
4. Question 14a. on the application states that the proposal will not install a culvert at or below the bankfull width of Type F waters that exceeds 5% gradient. It also states in item 31 that the 24-inch by 30-inch culvert installation is proposed for a road crossing across Stream 'B,' which is a non-typed water feature. However, the Enlarged Forest Practices Activity Map clearly shows that it is Stream 'A' that will be placed in the culvert. Stream 'A' is a Type F water bearing fish, and the culvert may present a fish passage barrier.



We conclude that this application presents a timber harvesting proposal that could pose significant adverse environmental impacts on steep, unstable slopes, potentially cause silt-laden runoff to enter Stream 'A' and then May Creek which provides habitat for threatened salmonids, bring about the unmitigated filling of 0.7 acres of forested wetlands, and includes installation of a 210-foot culvert to carry a Type F stream, which could present a barrier to fish passage. The application is self-contradictory, incomplete and indicates that the intended timber harvest has been misclassified as a Class III forest practices. We urge that it be disapproved for these reasons, but if it is to be considered, it should be reclassified as a class IV-special application, and subjected to SEPA and hydraulic project review by the Department of Fish and Wildlife, as well as review by other agencies with expertise affected landowners, affected Indian tribes and others with expertise when evaluating the impacts of forest practices (WAC 222-10-040). In addition, the applicant should be required to submit the missing studies and documentation, and revise the application to remove the contradictions and improve its accuracy.

Thank you for your consideration.

Sincerely,



Denis Law
Mayor

cc: Members of the Renton City Council
Bob Harrison, Chief Administrative Officer
Gregg Zimmerman, Public Works Administrator
Kelly Beymer, Community Services Administrator
Chip Vincent, Community and Economic Development Administrator
Shane Moloney, City Attorney
Preeti Shridhar, Deputy Public Affairs Administrator
Leslie Betlach, Parks Planning/Natural Resources Director
Lys Hornsby, Utility Systems Director
Jennifer Henning, Planning Director
Leslie Clark, Senior Assistant City Attorney
Jason Seth, City Clerk
April Alexander, Executive Secretary
Julia Medzegian, Council Liaison

