



**DEPARTMENT OF
NATURAL RESOURCES**

**Conservation, Recreation &
Transactions**

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July 24, 2017

Notice of Final Determination
Kuhnis Road Direct Transfer # 02-093906
SEPA File No. 17-041101

The Department of Natural Resources issued a Determination of Non-significance (DNS, Mitigated Determination of Non-significance (MDNS), Modified DNS/MDNS on **April 11, 2017** for this proposal under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2).

This threshold determination is hereby:

Retained.

Modified. Modifications to this threshold determination include the following:

The threshold determination is retained, however in response to Comment #5 of this Notice of Final Determination, DNR acknowledges the use of the property by The Columbia White Tail Deer.

Delayed. A final threshold determination has been delayed due to the following:

Summary of Comments and Responses (if applicable):

Comment #1:

DNR should consider future development plans of the Purchaser under this SEPA.

Response to Comment #1:

Typically, the sale, transfer or exchange of public lands are categorically exempt from SEPA. However there are exceptions. In this case, the exception was triggered by WAC 197.11.500 (5) (b) which states: "...but only if the property is not subject to a specifically designated and authorized public use established by the public landowner and used by the public for that purpose." The subject property is currently designated as a Pheasant Release Site by the WA Department of Fish and Wildlife and is used by the public for pheasant hunting purposes. This was the sole trigger for SEPA in regards to this land transaction.

	<p>For this sale, any proposed future use of the property by the Port is speculative. Under WAC 197-11-055(2), a proposal must be specific enough to allow some evaluation of the environmental impacts. There must be enough of a proposal for the environmental effects to be meaningfully evaluated.</p> <p>DNR's proposal is for a land sale for which the buyer (the Port) has represented that it intends to maintain the current use, which is agriculture. What the Port may or may not do with the property in the future is not definite enough at this point to be meaningfully evaluated.</p> <p>The Port of Woodland's Comprehensive Scheme of Harbor Improvements, including Resolution #448 which clarifies the Port's policy for acceptable commodities and restrictions, has been evaluated by DNR. Any described potential development is speculative and is based on medium to long term planning.</p> <p>Any potential future development of the property by the Port which could result in probable significant adverse environmental impacts cannot occur without subsequent implementation of regulatory action. Further environmental review will be conducted by the Port if their potential future development ever occurs.</p>
<p>Comment #2: Potentially, the property contains culturally sensitive areas or artifacts. Commenter questions if the Port has knowledge of this.</p>	<p>Response to Comment #2: Full disclosure of DNR's report concerning the Cultural Resource Evaluation was provided to the prospective Purchaser.</p>
<p>Comment #3:</p>	<p>Response to Comment #3:</p>

Purchaser would build rail loop to facilitate terminal and deep water port at Austin Point. This is a “reasonably foreseeable” consequence of DNR deciding to sell. The sale and future development are closely related proposals that should be evaluated in the same EIS.

Under WAC 197-11-055(2), a proposal must be specific enough to allow some evaluation of the environmental impacts. There must be enough of a proposal for the environmental effects to be meaningfully evaluated. Other than a potential proposal with drawings, there is no specific data available that would allow DNR to perform a meaningful analysis of the environmental impacts. The Port of Woodland’s Comprehensive Scheme of Harbor Improvements, including Resolution #448 which clarifies the Port’s policy for acceptable commodities and restrictions, has been evaluated by DNR. Any described potential development is speculative and is based on medium to long term planning.

Any potential future development of the property by the Port which could result in probable significant adverse environmental impacts cannot occur without subsequent implementation of regulatory action. Further environmental review will be conducted by the Port if their potential future development ever occurs.

**Comment #4:
A request made to withdraw the Determination of Non-significance for proposed sale and issue Determination of Significance with EIS.**

Response to Comment #4:
The DNS is appropriate for this land sale. The proposed project is a land transaction. The land use and zoning are not changing in the near future. This SEPA was triggered by WAC 197.11.500 (5) (b) which states: “...but only if the property is not subject to a specifically designated and authorized public use established by the public landowner and used by the public for that purpose.” The subject property is currently designated as a Pheasant Release Site by the WA Department of Fish and Wildlife and is used by the public for pheasant hunting purposes. The Port of Woodland’s Comprehensive Scheme of Harbor Improvements, including

	<p>Resolution #448 which clarifies the Port's policy for acceptable commodities and restrictions, has been evaluated by DNR. Any described potential development is speculative and is based on medium to long term planning.</p>
<p>Comment #5: Notification that the property is within the occupied range of the Columbian White Tailed Deer, a federally threatened species under the Endangered Species Act, and is also used by state endangered Sandhill Cranes.</p>	<p>Response to Comment #5: There will be no impacts to use by wildlife because the use and zoning are not changing. Any potential future development of the property by the Port which could result in probable significant adverse environmental impacts cannot occur without subsequent implementation of regulatory action. Further environmental review will be conducted by the Port if their potential future development ever occurs.</p>
<p>Comment #6: Concern that this sale will result in the discontinuance of the WA Dept of Fish and Wildlife's use of this property for one of its designated Pheasant release sites.</p>	<p>Response to Comment #6: While the DNR appreciates the current use by WDFW as one of their Pheasant release sites, the subject property is owned by the state for the benefit of Common School Trust. The DNR's obligation in managing state trust lands is to do so in a manner that provides the generation of maximum revenue to the trust beneficiaries. This is the department's first and foremost responsibility that is governed by RCW and state constitutional law.</p>
<p>Comment #7: The property supports a myriad of wildlife species including the Columbian White Tailed Deer.</p>	<p>Response to Comment #7: The use and zoning of the land are not changing. Any potential future development of the property by the Port which could result in probable significant adverse environmental impacts cannot occur without subsequent implementation of regulatory action. Further</p>

environmental review will be conducted by the Port if their potential future development ever occurs.

**Comment #8:
Concern that the DNR discounts proposed development of the site by the Purchaser**

Response to Comment #8:
Under WAC 197-11-055(2), a proposal must be specific enough to allow some evaluation of the environmental impacts. There must be enough of a proposal for the environmental effects to be meaningfully evaluated. Other than a speculative proposal with drawings, there is no specific data available that would allow DNR to perform a meaningful analysis and their environmental impacts.

The Port of Woodland's Comprehensive Scheme of Harbor Improvements, including Resolution #448 which clarifies the Port's policy for acceptable commodities and restrictions, has been evaluated by DNR. Any described potential development is speculative and is based on medium to long term planning.

The environmental checklist and associated DNS for this proposal adequately identifies the potential environmental impacts associated with the proposed land transfer. There is no new information included in the comments to cause a change to the Determination of Non-Significance.

Responsible official: Eric Wisch

Position/Title: Regional Manager, Pacific Cascade Region Phone: 360-575-5001

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Date: 7/24/17

Signature: Eric Wisch