

Whidbey Environmental Action Network

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August 20, 2026

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Re: Public comment on FPA/N No. NW-FPA-26-9078 ("Laughlin 2026"); follow-up to WEAN's July 10, 2026 comment on the withdrawn predecessor application, NW-FPA-26-8637

Dear Mr. Becker:

I write again on behalf of Whidbey Environmental Action Network (WEAN). On July 10, 2026, WEAN submitted detailed comments on FPA/N No. NW-FPA-26-8637 for this property. That application was withdrawn, and the applicant has now submitted a replacement, NW-FPA-26-9078, received August 4, 2026, with comments due August 21, 2026. We appreciate that an interdisciplinary (ID) team was convened on July 29, 2026, and we have reviewed the resulting Informal Conference Note (NW-ICN-26-2457, signed August 10; emailed August 12, 2026 to other parties; and forwarded August 14 to WEAN) alongside the new application packet.

Having compared the two applications, WEAN's conclusion is reinforced: the replacement application does not cure the defects identified in July, does not deliver the field work the ID team itself directed, and introduces several new internal contradictions. We renew our request that DNR find the application incomplete and inaccurate as submitted, and we set out below what the resubmittal did and did not address.

I. The resubmittal's own dates show the required field work was not, and could not have been, completed

The ID team met on site on July 29, 2026. The replacement application was received six days later, on August 4, 2026. The Informal Conference Note memorializing what the ID team directed was not signed until August 10 and was not circulated until August 12—after the replacement had already been filed. The applicant thus resubmitted before the written record of the meeting's directives existed.

The application's own supporting documents confirm that no new field work was performed in that six-day window:

- **Water typing.** Appendix A still lists only May 20, 2026 as the observation date for the Type Np segments—the same single date WEAN criticized in July. The newly added Type F segment (F-1) cites July 29, 2026, the ID team visit day, and rests on the notation “IDT concurred on 7/29/26,” not on any subsequent delineation.
- **Wetlands.** No wetland delineation report accompanies the application. The Type B wetlands were added as line-item acreage estimates with no observation date and no delineation, and the Office Checklist still marks “FPF Verification Needed” for wetlands.
- **Maps and signatures.** The hand-drawn Activity Map still bears its original May 22, 2026 timestamp. The application signatures are dated July 1 and July 11, 2026, and the landowner’s authorization email is dated June 29, 2026—all of it predating the ID team meeting and the ICN.

The ICN’s three decisions each called for delineation—of the Type B wetlands and their management zones, of the wetland corridor along road W-100, and of the French Road creek (an unnamed tributary to Quade Creek that the ICN misnames Quade Creek itself, addressed in Section II) and its associated channel. A formal wetland delineation and a defensible water-type and anadromous-fish-floor determination are field exercises; they cannot be completed, mapped, and transcribed onto a full application in six days, and the observation dates confirm they were not. What changed between the two applications is the transcription of the July 29 meeting observations onto the forms, plus one added LiDAR exhibit. The substantive study our July letter said was missing remains missing.

II. What the ID team directed versus what the resubmittal showed

Comparing the ICN’s “Decisions Made” against the new packet:

- **Decision 1 (Type B wetlands; DNR jurisdiction over road through Np1; Ecology/LGE coordination).** The application adds B-1 (0.8 ac) and B-2 (0.6 ac) as estimates, but supplies no delineation, no observation date, and no wetland management zone mapping beyond a single hand annotation. Nothing in the packet reflects the coordination with the Department of Ecology and the local government entity that the ICN directed before work proceeds in this area: there is no SEPA checklist, no Ecology correspondence, and the LGE Permit(s)/Info box is unchecked, even though DNR itself stated it takes jurisdiction over road construction through Np1 and the associated wetlands.
- **Decision 2 (delineate wetlands along W-100; show road lengths through all wetlands; add culverts in typed waters/wetlands to the map).** The LiDAR exhibit now shows “Add Pipe” symbols and two road-through-wetland lengths, but the crossing table at Question 14 still lists only one crossing (X-1), while the Office

Checklist reports two crossings and the maps depict both an X-1 and an X-2. The ICN expressly noted culverts marked in the field but omitted from the map, and wetland features extending from FW-1 south toward FW-2 and FW-3; yet FW-2 and FW-3 remain at their prior 0.6-acre estimates with “None” activity, untouched by any new delineation.

- **Decision 3 (the water along French Road and its associated stream to be delineated and added).** F-1 (Type F) and Np-3 were added, but two problems remain. First, the water is misidentified. The ICN places “Quade Creek” along the French Road ditch line, and the application repeats the label at Question 28; in fact that water is an unnamed tributary within the Quade Creek system, draining toward fish-bearing Quade Creek. Whatever its name, the water’s fish-habitat character and its place in that fish-bearing system—not the label the record attaches to it—govern its typing, which must be established through a field determination and cannot rest on a July 29 concurrence that misnames the water. The Type F call for F-1 rests at Appendix A on fish being “observed or known to use” the stream, and the anadromous fish floor governing the upstream extent of that typing is recorded in the ICN as “not specifically defined... presumed west of the parcel”—so the fish-bearing extent here is unresolved and, on this record, likely understated. The single-date (May 20) Type Np call on the connected on-site channels is equally thin and cannot be relied upon; the Np-1 and Np-2 segments warrant Type F review, and any man-made barrier on adjoining land is not a proper basis for typing these waters as non-fish. Second, Np-3—a channel the ICN indicates was first noted on the July 29 walk—is grouped on Appendix A under the May 20, 2026 observation date, a channel that could not have been observed before it was identified.

III. Defects identified in July that survive unchanged

Each of the following was raised in WEAN’s July 10 letter. The applicant had every opportunity to correct these and did not; each is re-certified as “true” under Question 29 of the replacement application.

- **Unstable slopes.** Question 10 still answers “No” to potential unstable slopes or landforms, and no Appendix D Slope Stability Informational Form and no geotechnical report are attached. DNR’s own Office Resource Review for the replacement still flags Slope Stability—High, Slope Stability—Moderate, SLPSTAB at both 40%+ and 70%+, and Ground-Based Equipment on Slopes >40%. The ID team included no licensed engineering geologist or hydrogeologist, so nothing in the ICN resolves this contradiction. This remains the single most consequential unreconciled statement in the record.

- **Harvest method versus slope.** Unit 2 still lists the steepest slope at exactly 40%, still specifies ground-based systems (processor, shovel, rubber-tired skidder), and still proposes 97% volume removal—unchanged, and still irreconcilable with DNR’s own Office Resource Review. That review flags ground-based equipment on slopes at or above 40%, slope stability as both High and Moderate, and SLPSTAB at both 40%+ and 70%+—DNR’s screening thus identifies ground steeper than the flat 40% maximum the application reports, and the Island County Geomap’s 2024 hillshade layer likewise shows steep, convergent terrain in this unit. If any of the ground exceeds 40%, the ground-based systems and the 97% removal cannot be squared with the 40% claim as written, and the steepest ground must be field-measured before any Class III decision.
- **Stream buffers.** Question 26 is identical to the prior application (Np 1: 680 feet of stream, 590 feet buffered; Np 2: 1,319 feet, 975 feet buffered). The unexplained unbuffered lengths within the harvest unit remain unexplained, and newly added Np-3 does not appear in the Question 26 table at all.
- **Reforestation.** Question 20 still proposes replanting exclusively with Douglas-fir, a species poorly suited to the forested-wetland hydrology now expanded by the added Type B acreage—a further reason a wetland delineation must precede approval.
- **Cultural resources.** Question 8 still answers “No” to having reviewed the activity area for historic sites or Native American cultural resources. Tribal attendance at the ID team does not substitute for the applicant’s own review or for DNR’s standard DAHP screening and tribal notification, which should be documented before a decision.
- **Prior and adjacent applications.** The Office Checklist now lists only NW-FPA-26-8637 as the previous FPA. The historic applications on this ground—Nos. 2807115 and 2807229 (2004–2005) and nearby No. 2819702—remain omitted, even though the ICN itself references FPA 2807229 by number in its discussion of the pasture road. The 2004 field rejection over slopes of approximately 40–45% and undisclosed drainages remains directly relevant and absent from the record before the decisionmaker.
- **Hydric soils.** The Hydric Soils box remains unchecked, still in tension with a prior FPA on this ground that acknowledged hydric soils—a discrepancy warranting field verification.

IV. New internal contradictions introduced by the resubmittal

The replacement did not merely fail to fix the old problems; it created new ones. The following inconsistencies appear within the single August 4 submittal and undermine the Question 29 certification that the information is true:

- **Road length.** The Application Summary and online notification report road W-100 at 2,350 feet (2,435 feet total with W-150), while the scanned Western Washington application form reports W-100 at 1,750 feet—a 600-foot discrepancy within the same packet. Either way, Question 16 still provides no abandonment date, no road width, and no cut-and-fill or spoils-handling design for nearly 2,000 feet of new permanent road on steep, wet ground above typed waters.
- **Existing-road assessment versus new construction.** The Small Forest Landowner RMAP checklist is unchanged: it states that hauling will occur on 0.07 miles of existing forest road exhibiting none of the listed sediment or drainage issues. That cannot be reconciled with the simultaneous proposal to build roughly 2,000 feet of new permanent road; the record asserts both that existing roads suffice and that they do not.
- **Culvert size.** The X-1 crossing is described as both 24" × 30' (Question 14 and the hand-drawn map annotation) and 18" × 30' (Question 28 and the LiDAR legend). The two maps in the same packet disagree with each other.
- **Crossing count and location.** The Office Checklist reports two crossings; the maps show X-1 and X-2; the wetland table identifies a crossing at FW-1 ("FW 1/X-2"); yet the Question 14 crossing table tabulates only X-1, with no water type, structure, size, or grade disclosed for the second crossing.
- **Wetland impact figures.** For B-1, the online notification reports 0.4 acre filled while the scanned form reports 0.04 acre—a tenfold discrepancy within the same submittal—and the two forms also differ on whether the FW-1 impact is a "road" or a "crossing."
- **Harvest acreage.** The Summary now reports 37.1 acres; the Office Checklist and Question 28 report 37.02; and the harvest tables in the two versions sum differently ($0.75 + 36.27 = 37.02$ versus $0.8 + 36.3 = 37.1$). The figure changed between applications and still does not reconcile, and the roughly 47-acre total ownership—including road footprint and any areas treated as exempt—remains unaccounted for.
- **Saltwater island.** The predecessor application answered "Yes" to saltwater island; the replacement Summary answers "No." Whidbey Island is a saltwater island. This small, demonstrable reversal is exactly the kind of error that a truthful, verified application should not contain.
- **Landowner identity and authorization.** The predecessor named "The Estate of Zelma Ruth Laughlin" as landowner; the replacement names Roelif & Ruth Laughlin

and Laurence Laughlin as individuals. The authorization in the file is a June 29, 2026 email from Kathryn Laughlin signing as Executor of the Estate, and the signatures carry the same pre-ICN July dates. If the estate's interest has been distributed to individual heirs, we ask DNR to confirm that the executor's permission authorizes an application filed in the individuals' names.

V. Threshold determinations the resubmittal did not address

- **Classification and SEPA.** Despite the ID team adding Type F water and Type B wetlands, despite DNR asserting jurisdiction over road construction through Np1 and associated wetlands, and despite the unresolved High and Moderate slope-stability flags, the replacement remains classified Class III with no SEPA review. WEAN's request that the application be processed as Class IV-Special, with the environmental review required under chapter 43.21C RCW and chapter 222-10 WAC, is if anything stronger now than in July, given the enlarged aquatic footprint and the still-unevaluated unstable-slope and inner-gorge questions under WAC 222-16-050(1)(d).
- **Risk to a public resource.** The application still contains no evaluation of the French Road culverts—no capacity or condition analysis and no evidence of coordination with Island County Public Works—even though clearcut harvest and new road construction on steep, wet slopes above those crossings present a foreseeable risk of sediment delivery, culvert blockage, and damage to the county road prism and to downstream water quality in fish-bearing Quade Creek, the water that ultimately receives this drainage. This public-resource risk should be weighed in classification, consistent with WAC 222-16-050 and the purposes of chapter 76.09 RCW.
- **Exempt areas under the “1.5 times tree length” statement.** Question 28 again asserts that areas within 1.5 times the tree length of permanent structures are non-forestland outside the FPA, while conceding that “[o]ther agency permits may be required prior to tree removal.” Those areas are still not mapped. Neither DNR nor Island County can exercise its jurisdiction until they are identified on a map and the County is formally notified.

Requests

For the reasons above, and incorporating WEAN's July 10, 2026 comments in full, WEAN respectfully requests that DNR:

1. **Determine that the application is incomplete or inaccurate as submitted** under RCW 76.09.050 and RCW 76.09.060, and either return it to the applicant for correction or disapprove it. The internal contradictions catalogued in Sections III and IV, each

verifiable from the face of the record, cannot coexist with the Question 29 certification that the information is true.

2. **Decline to treat the six-day resubmittal as curing the ID team's directives**, and require that the delineation of wetlands, water types, and the anadromous fish floor called for in NW-ICN-26-2457 be completed in the field, documented with observation dates, and mapped before any decision.
3. **Reconvene the ID team with a licensed engineering geologist or hydrogeologist**, and invite Island County, WDFW, Ecology, and interested tribes, with scope to evaluate possible inner-gorge and headwall landforms under WAC 222-16-050(1)(d)(i) and Board Manual Section 16. Neighboring landowners have indicated willingness to grant access along the shared boundaries.
4. **Reclassify the application from Class III to Class IV-Special**, with the SEPA review that classification requires under chapter 43.21C RCW and chapter 222-10 WAC, on the grounds of the unstable-slope and landform questions and the foreseeable risk to the French Road public resource.
5. **Require a geotechnical evaluation and Appendix D Slope Stability Informational Form**, consistent with your June 9 statement that you would be looking for a slope form where operations occur around unstable slope features, before any approval.
6. **Require field verification of water typing and a formal wetland delineation**, as the Office Checklist itself flags ("FPF Verification Needed" for both wetland and water), including correct identification of the unnamed tributary along French Road that the ICN and application mislabel "Quade Creek," re-examination of the fish-use and anadromous-fish-floor basis for the F-1 typing and for the connected Type Np segments, verification of the Appendix A assertions regarding upstream impoundments and bankfull width, and reconciliation of the road, crossing, culvert, and acreage figures identified in Section IV.
7. **Identify in writing and require mapping of the areas the applicant treats as exempt** under the "1.5 times tree length" statement at Question 28, and formally notify Island County of them so that the County may exercise its jurisdiction under Island County Code chapters 11.02 and 17.02B.

Conclusion

The replacement application was filed before the ID team's directions were even put in writing, carries forward every substantive defect WEAN identified in July, and adds fresh contradictions of its own. On this record, the application cannot lawfully or prudently be

approved as submitted. We ask that DNR return or disapprove it; require the field delineation, geotechnical evaluation, wetland and water-type verification, mapping, and reconciliation identified above; reconvene the ID team with a qualified hydrogeologist; and process any corrected application as a Class IV-Special with SEPA review. WEAN would welcome the opportunity to participate in, or provide documentation to, that review, and we ask to be notified of any site visit and of DNR's decision.

Thank you for your continued attention and communication.

Respectfully,

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cc: Island County Board of Commissioners; Island County Planning & Community Development; Island County Public Works; Washington Department of Fish and Wildlife; Washington Department of Ecology; WEAN Board of Directors