

CHELAN COUNTY
FINAL MITIGATED DETERMINATION OF NON-SIGNIFICANCE
Wheeler Ridge, LLC, Timber Harvest and Orchard Development

DATE OF ISSUANCE: December 30, 2020

APPLICANT: Wheeler Ridge, LLC, Ben Alworth

OWNERS OF THE PROPERTIES: Sections 9 and 17 – Wheeler Ridge, LLC; Section 16 – Washington State Department of Fish and Wildlife

APPLICATION: Chelan County File No. SEPA 2018-326

DESCRIPTION OF PROPOSAL: The applicant is proposing to develop approximately 260 acres in three separate fenced areas – Orchard Area #1, #2, and #3, see *Figure 1 - Proposed orchard development site plan, revised May 2020* – to establish irrigated cherry orchards and support facilities for harvest in late summer (August/September) on Section 17. The Orchard Areas are currently primarily forested. Improvements in Orchard Area #1 (120 acres) include orchard trees, irrigation infrastructure, a 9.9 acre-foot reservoir, ½-acre orchard loading dock, 8-foot tall perimeter standard wildlife fence, an estimated 2-acre area consisting of a 24-person seasonal housing structure of approximately 3,600 square feet, an approximately 2,500 square foot shop, an approximately 2,500 square foot spray storage shed, a pump station of approximately 1,000 covered square feet with 1,000 gallon gasoline and 2,500 gallon diesel storage capacities, irrigation pipelines and utilities, as well as internal orchard roads. Orchard Area #2 (80 acres) includes orchard trees, irrigation infrastructure, an approximately ½-acre orchard loading dock, an 8-foot tall perimeter standard wildlife fence, internal orchard roads, and new/replacement culvert across a stream within the existing road. Orchard Area #3 (60 acres) includes orchard trees, irrigation infrastructure, an approximately ½-acre orchard loading dock, 8-foot tall perimeter standard wildlife fence, and internal orchard roads. A portion of an existing recreational trail will be re-aligned to be outside of the Orchard Areas. A total of 1,420 mbf of timber would be removed from Section 17 within the Orchard Areas. The orchards will generally begin operations with spraying in April/May (or after the snow melts). In June, spraying would continue, trees would be tied, mowing would occur, and irrigation of the orchards would begin. In addition, pruning (along with previously mentioned operations) would begin in June and continue into July. Cherries are anticipated to be harvested in late August or early September.

Outside of the three Orchard Areas, project components include up to three rock crushing facilities north of Orchard Area #1 (Section 17). There is a fourth rock pit located on Section 9 that will be used for this project. The rock crushing facilities would be used initially for construction of the proposed roads and for ongoing maintenance. The total area dedicated to the four rock crushing facilities would be less than two acres. The initial rock crushing for the road construction is anticipated to take one to three months and would use an excavator and a mobile crusher; no blasting is proposed.

Access to the site is proposed to be along Upper Wheeler Road within existing easements on Section 16. This road would extend approximately 2.3 miles and include the removal of 30 mbf of timber. The newly aligned Upper Wheeler Road within Section 17 would be improved and realigned in areas. Approximately 45 mbf of timber would be removed for roads on Section 17.

The proposed action requires approval of Chelan County permits including, but not limited to, building permits, conditional use permits for the irrigation pipeline pumping stations (Utility, High Impact (CCC 11.04.020 and 14.98.1915)), and for the rock crushing activities (Rock Crushing Sorting, Batching of Concrete or Asphalt (CCC 11.04.020)), habitat management and mitigation plan approval, critical areas variance, and utility and road franchise permits/approvals and right-of-way permits from Chelan County.

The proposed action may require the following permits and approvals from other agencies:

- Section 404 permit – U.S. Army Corps of Engineers
- Construction stormwater general permit – Washington State Department of Ecology
- Exempt well approval – Washington State Department of Ecology
- Section 401 water quality permit – Washington State Department of Ecology
- Hydraulic project approval – Washington State Department of Fish and Wildlife
- Seasonal housing permit – Washington State Department of Health
- Water system plan approval – Washington State Department of Health, Office of Drinking Water
- Forest practices approval – Washington State Department of Natural Resources
- Road maintenance and abandonment plan – Washington State Department of Natural Resources
- Surface mine reclamation permit – Washington State Department of Natural Resources
- Septic tank permit – Chelan Douglas Health District

LOCATION OF PROPOSAL: Township 21N; Range 20E; Section 17, and portions of Section 9 and Section 16. Chelan County Assessor’s Parcel Numbers: 212017000000, 212016000000, 212009430010, and 212009440050.

DOCUMENTS REVIEWED: The supporting documents listed below have been submitted for review. All documents are available to the public upon request and can be found on the County’s web page at: <https://www.co.chelan.wa.us/community-development/pages/current-planning>.

1. *Wheeler Ridge, LLC Forest Stewardship Management Plan* dated October 16, 2015 prepared by Schellhass Forestry, LLC
2. *Cultural Resources Overview, Wheeler Ridge Project, Chelan County, Washington* dated June 29, 2018 prepared by Cultural Resource Consultants
3. *Wheeler Ridge Hydraulic and Field Water Quality Measurements* dated July 13, 2018 prepared by Four Peaks Environmental
4. *Wheeler Ridge: Northern Spotted Owl Surveys Final Report* dated August 10, 2018 prepared by Washington Conservation Science Institute

5. *Section 16 and 17 Upper Wheeler Road Reconnaissance and Planning-Level Geotechnical Considerations - Revised*, dated August 29, 2018 prepared by Aspect Consulting
6. *Predicting Summer Elk Habitat Potential in Section 17, Technical Memo Version 1*, dated September 3, 2018 prepared by SCJ Alliance
7. *Wheeler Ridge Orchard Expansion– Trip Generation Analysis and Traffic Impact Review Technical Memorandum*, dated September 28 2018, prepared by SCJ Alliance
8. *Critical Area Report, Wildlife Habitat Mapping & Management Plan* dated October 2018 prepared by SCJ Alliance
9. *SEPA Environmental Checklist for Wheeler Ridge, LLC Proposed orchard Development & Wildlife Habitat Enhancements* dated October 2018 prepared by Ben Alworth, Wheeler Ridge, LLC
10. *Stemilt-Squilchuck Landscape Evaluation Final Report*, dated June 2019 prepared by Washington Conservation Science Institute
11. *Survey for Spotted Owl Habitat on the Section 16 Pipeline Easement* dated September 5, 2019 prepared by Wildwoods Consulting
12. *Shiflett Elk Observations [no official title]*, dated September 14, 2019 prepared by Steve Shiflett
13. *Predicting Summer Elk Habitat Potential in Section 17, Technical Memo Version 2*, dated October 29, 2019 prepared by SCJ Alliance
14. *Critical Area Report, Wildlife Habitat Mapping & Management Plan* dated November 2019 prepared by SCJ Alliance
15. *Wetland Summary Report* dated November 2019 prepared by SCJ Alliance
16. *SEPA Environmental Checklist for Wheeler Ridge, LLC Timber Harvest, Orchard Development & Restoration* dated November 2019 prepared by Ben Alworth, Wheeler Ridge, LLC
17. *May 2020 Wetland Field Work Summary Technical Memorandum*, dated May 19, 2020 prepared by SCJ Alliance
18. *SEPA Checklist, Wheeler Ridge, LLC Orchard Development*, dated May 20, 2020 prepared by Ben Alworth, Wheeler Ridge LLC
19. *Section 17 Geological Hazard Assessment Memorandum*, dated May 20, 2020 prepared by Aspect Consulting
20. *Section 17 Follow-On Geotechnical Reconnaissance*, dated July 24, 2020 prepared by Aspect Consulting
21. *Wheeler Ridge Wetland Summary Report*, dated August 2020, prepared by SCJ Alliance
22. *Road Systems Mitigation Assessment and Description Technical Memorandum*, dated August 7, 2020 prepared by SCJ Alliance
23. *Letter Re: Chelan County, Shockey Planning Group June 19, 2020 Letter Additional information Request Response*, dated August 7, 2020 prepared by Ben Alworth, Wheeler Ridge, LLC
24. *Steffen’s Meadow Restoration and Planting Plan*, [undated] prepared by Chelan County Natural Resources Department and Washington Department of Ecology
25. *Letter Re: CCC 11.78.110 Habitat Management & Mitigation Plan – Timing and Implementation of Mitigation for Wheeler Ridge, LLC Section 17 Proposed Orchard Development*, dated October 23, 2020 prepared by Ben Alworth, Wheeler Ridge, LLC

26. *Submitted comments of persons and agencies responding to preliminary mitigated determination of non-significance issued for this proposal on November 10, 2020.*
27. *Record of survey applicant Wheeler Ridge, LLC, recorded on November 2, 2016, with the Chelan County Auditor as AFN 2447133.*

NOTICE OF LEAD AGENCY: Chelan County has determined that it is the lead agency for this proposal.

NOTICE OF NON-SIGNIFICANCE: Chelan County has determined that this proposal conducted in conformance with applicable development regulations, including Chelan County codes and ordinances as well as state and federal regulations, and the mitigation measures listed below, will not have a probable significant adverse impact on the environment and an environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). Pursuant to WAC 197-11-350(3), the original proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid or minimize probable significant environmental impacts. This decision was made after review of a completed environmental checklist, public comments, and other supplemental and additional information on file with the Chelan County Community Development Department and an inspection of the site. This information is available to the public upon request and can be found on the County's web page at: <https://www.co.chelan.wa.us/community-development/pages/current-planning>.

Note: Issuance of this threshold determination does not constitute approval of any required permit. The proponent's application will be reviewed for compliance with all applicable Chelan County codes that regulate development activities.

MITIGATION MEASURES:

This final mitigated determination of non-significance is issued with the following conditions:

Earth

1. The proposed rock crushing areas may not exceed two acres over the lifetime of the project.
2. Rock crushing shall not exceed 17,000 cubic yards during initial project development, including public and private road building. Rock crushing shall not exceed 3,900 cubic yards in any two-year period thereafter.
3. A geotechnical engineer shall review the final reservoir location to confirm it is sited in an appropriate location to avoid identified geological hazards.
4. Clearing of native vegetation shall be minimized on slopes 35 percent or greater.
5. Outside of Orchard Areas, where timber is harvested to support project development, native grass, shrubs, and soil shall be maintained to minimize runoff, erosion, and subsurface infiltration. Cut slopes shall be less than 15 feet.
6. Applicant must fulfill all applicable Washington State Department of Natural Resource reclamation requirements for rock excavation, processing, and related activities.

Air

7. Air quality impacts associated with emissions from on-site equipment shall be minimized by keeping vehicles, engines, and rock excavation and processing equipment in good repair. All vehicles and machinery shall be turned off when not in use.
8. All required spray applications must comply with Chelan County and Washington State regulations.

Water

9. To minimize the amount of water infiltrating below the root zone, conserve water, and limit impacts of irrigation water on slope stability, the applicant shall utilize drip irrigation systems or other water conservation measures and develop a water conservation plan in consultation with the U.S. Department of Agriculture Natural Resources Conservation Service.
10. Remote sensors shall be installed along the proposed irrigation pipelines to allow automatic shut-off should a leak be detected.
11. Roadside drainage shall be designed in consultation with and approved by the Chelan County Public Works department.

Plants

12. Prior to or in conjunction with orchard conversion, the project applicant shall develop and implement a noxious weed control plan with the Chelan County Noxious Weed Control Board for the project site.
13. If the orchard development is abandoned, the applicant shall develop and implement a re-planting and monitoring plan subject to approval by Washington Department of Fish and Wildlife (WDFW) for all disturbed areas within two years of abandonment.
14. All forested areas outside of the Orchard Areas shall be managed to reduce fire risk and prevent tree disease. The applicant shall develop and implement a forest health management plan in consultation with the Chelan County Natural Resource Department.

Animals

15. The applicant shall develop and implement a detailed, site-specific (i.e., not conceptual) habitat management and mitigation plan (HMMP) consistent with CCC 11.78.100(2) and in consultation with WDFW in order to achieve no net loss of habitat functions and values. This HMMP shall mitigate for the permanent loss of 260 acres of upland forest elk habitat, nearby impacts to elk habitat from the development proposal, and other impacts to local and regional wildlife habitats. The HMMP shall address the requirements of CCC 11.78.100(2) and shall include the following additional required content:
 - a. Assessment of the functions and values of the habitat being lost compared to the habitat being proposed for mitigation;
 - b. Discussion of short and long term impacts of the loss of habitat;

- c. Discussion of landscape permeability, including in relation to wildlife crossing corridors between the Orchard Areas and related road activity within those corridors;
- d. Discussion of proximity and timing of orchard operations and implications for wildlife, including seasonal orchard restrictions to benefit wildlife, and analysis and development of an integrated bird deterrent program, including the use of noise and non-noise deterrents, impacts to wildlife, and adaptive management techniques. Bird cannons and similar noise deterrents may only be used between early August and early September when non-noise techniques are proven to be ineffective;
- e. Identification of habitat mitigation area with similar functions and values to orchard conversion areas to compensate for the unavoidable loss and conversion of 260 acres of priority habitat and species habitat. Habitat mitigation area shall be of equal or greater habitat value and have similar slope, distance to cover, escape cover, and vegetation types and may not include areas with slopes in excess of 60 degrees. The specific size of the habitat mitigation area shall be determined and set forth in the HMMP consistent with this section and with WDFW guidance on habitat mitigation replacement ratios. The presumptive habitat mitigation area replacement ratio shall be 2:1; provided, however, that the HMMP shall also consider and discuss the need for habitat mitigation replacement ratios higher than 2:1 and may also consider and discuss the rationale for habitat mitigation replacement ratios lower than 2:1; provided, further, that any ratio lower than 2:1, if determined appropriate for implementation consistent with this section, shall include a review and analysis of WDFW mitigation guidance and best available science supporting any such ratios. In no case shall habitat mitigation replacement ratios include out-of-kind mitigation, fail to provide no net loss of functions and values to orchard conversion areas, or be less than 1:1. Habitat mitigation areas will be located on an appropriate site in Water Resource Inventory Area 40A (Squilchuck/Stemilt) or other site in the Colockum watershed;
- f. Identification of additional habitat mitigation area with similar functions and values to orchard conversion areas to compensate for habitat impacts from effect radius extending beyond orchard polygons and related facilities, with consideration given to all aspects of orchard operations including human activity, operation of vehicles, implementation of the bird deterrent program, pruning and harvest work, rock crushing, pump stations, sprayers, wind machines, noise, light, and glare, following the same habitat mitigation area replacement standards and analysis in section (e) above;
- g. Assessment of wetland buffers and determination of appropriate buffer widths. Wetland buffers shall be a minimum of 110 feet provided that the HMMP shall consider and discuss the need for more protective buffer widths;
- h. Preparation of a monitoring and evaluation plan containing benchmarks for monitoring effectiveness of mitigation, including criteria to determine nature and extent of expected success for mitigation and triggers and strategy for improving habitat functions and values of mitigation area;

- i. Discussion of mitigation for the increased use of an improved Upper Wheeler Road on Section 16 as a result of orchard operations;
 - j. Prior to undertaking any action that may result in impacts to existing habitat, a schedule of mitigation actions shall be provided to guarantee that all approved mitigation can be fully implemented; provided, that habitat mitigation area shall be acquired and permanently protected prior to commencement of timber harvest and/or orchard development activities. All other mitigation measures shall be implemented before or during project construction according to the schedule.
16. The site-specific HMMP, once submitted to the Chelan County Community Development Department, shall be processed in accordance with CCC 11.78.100(2). The administrator's written decision shall be forwarded to WDFW, other agencies or tribal entities which provided comments to the department and to any other agency/individual(s) who request a copy of the written decision (CCC 11.78.100(2)(B)(iv)). Any person aggrieved by the administrator's decision can file an appeal of the decision in conformance with CCC 11.78.100(3) and Ch. 11.95 CCC.
17. The site-specific HMMP shall be approved by Chelan County Community Development Department prior to commencement of timber harvest and/or orchard development activities.
18. Any required local, state, or federal permitting for mitigation identified in the approved site-specific HMMP shall be obtained prior to implementing mitigation.
19. Mitigation identified in the approved site specific HMMP shall be implemented consistent with the approved schedule provided in the HMMP.
20. The site-specific HMMP shall establish, with terms acceptable to the County, a habitat management agreement and associated legal mechanism to permanently assure performance and stewardship for the habitat mitigation area, which will include preparation of a proposed conservation easement, deed restriction, donation, or other legally binding arrangement together with: 1) identification of an entity designated to hold and administer the same; 2) management plan for conservation and restoration actions, monitoring activities, adaptive management actions, and reporting requirements; 3) timeline for implementation; and 4) financial assurances. All costs associated with operation and maintenance of mitigation measures, including ownership and management of the habitat mitigation area, shall be borne by the applicant in perpetuity.
21. Any required monitoring shall be performed in accordance with requirements of the approved HMMP. A monitoring report shall be submitted by August 1st of each year, or as otherwise specified in the HMMP during the monitoring period, to the Chelan County Community Development Department and to WDFW. Reports shall update the County and WDFW on the status and progress of the mitigation, along with any corrective recommendations, and shall identify any adaptive management measures necessary in accordance with the HMMP.
22. An 8-foot tall standard wildlife fence shall be constructed around the Orchard Areas to limit human-wildlife contact. All dumpsters/garbage cans shall be located within the fence. Appropriate permits shall be obtained prior to installation. Fencing materials shall be consistent with CCC 11.78.190(2) and addressed in the HMMP.

23. Logging trucks, site clearing equipment, fruit hauling trucks, and other equipment shall be turned off when not in use to limit noise disturbance from these activities on wildlife.

Environmental Health

24. A spill kit approved by the Washington State Department of Ecology shall be stored in each Orchard Area.
25. Spill collection facilities shall be used at spray fill stations and the fuel station.
26. All chemical inventories shall be listed and stored in accordance with the Washington State Department of Ecology and Washington State Department of Labor and Industries.
27. Rock crushing can only occur during 7:00 a.m. to 5:30 p.m. Monday – Saturday and shall be in accordance with all state and federal regulations.
28. No blasting for rock excavation is permitted.

Light and Glare

29. All lighting shall be directed away from areas outside of the Orchard Areas.

Recreation

30. The portion of the existing single-double trail that would be within Orchard Area #1 shall be relocated as shown on see *Figure 1 - Proposed orchard development site plan, revised May 2020*.
31. Signage along the trail shall be provided to alert trail users during periods of rock crushing.

Historic and Cultural Preservation

32. An inadvertent discovery plan shall be established. In the event that any ground disturbing activities result in the discovery of archaeological resources, work shall be halted in the immediate area and contact shall be made with County officials, the Washington State Department of Archaeology and Historic Preservation, and appropriate tribal representatives. Work shall remain halted until further investigation and appropriate consultations have concluded.
33. If human remains are discovered, work shall be immediately halted in the area, the discovery covered and secured against further disturbance, and contact shall be made with law enforcement personnel.

Transportation

34. Access to the proposed orchard is via a public road (Upper Wheeler Road), which is an unmaintained public road. The applicant's proposed realignment and use of the road shall be reviewed, approved, and permitted by the Chelan County Department of Public Works and a franchise obtained from the Chelan County Board of County Commissioners prior to any work being conducted in the existing or realigned road right-of-way.

35. The applicant shall provide carpool van(s) as necessary for employees to reduce the number of trips to the proposed orchard daily.

Public Services

36. Access control and a gate, as acceptable to the Chelan County Fire Department, will be provided to the Orchard Area #1 reservoir so emergency service providers have access to the reservoir in the event of a fire.

Utilities

37. All utilities, including but not limited to irrigation pipeline and electrical lines, shall be located within Chelan County right-of-way; provided, however, utilities may also be located in the segment between depicted Point A and Point B and the segment between depicted Point D and Point F of that certain 20' utility and irrigation easement identified on record of survey recorded on November 2, 2016, with the Chelan County Auditor as AFN 2447133, so long as any disturbance due to the placement of utilities is fully restored consistent with surrounding natural conditions. Existing portions of Upper Wheeler Road (that lie outside of the existing easement) on Section 16, once constructed within the existing easement, shall be restored with native grasses, forbs, and trees.
38. Use of Upper Wheeler Road for utilities shall be reviewed, approved, and permitted by the Chelan County Department of Public Works and a franchise obtained from the Chelan County Board of County Commissioners prior to any work being conducted in the existing road right-of-way.

COMMENT PERIOD: This final mitigated determination of non-significance is issued under WAC 197-11-350. A previous 14-day public comment period has been completed. There is no comment period on this final mitigated determination of non-significance.

APPEALS: You may appeal this determination in accordance with CCC 13.04.180, CCC 13.04.200, CCC 14.12.030, WAC 197-11-680, and other applicable SEPA statutes and regulations by submitting an appeal with the required fee to Chelan County Natural Resources Department, 411 Washington Street, Suite 201, Wenatchee, WA 98801, by no later than 5:00 p.m., January 13, 2021.

Responsible Official: Mike Kaputa
Position/Title: Director, Chelan County Natural Resources Department
Phone: (509) 670-6935
Address: 411 Washington Street, Suite 201, Wenatchee, WA 98801
Signature: Michael Kaputa (on file) **Date:** December 30, 2020