

Summary Report to the Board of Natural Resources

Public comment received on the Marbled Murrelet Long-Term Conservation Strategy Draft Environmental Impact Statement

This report briefly summarizes written comments received by DNR and U.S. Fish and Wildlife Service (USFWS) during a 90-day comment period for the marbled murrelet long-term conservation strategy draft environmental impact statement (DEIS). DNR's SEPA Center maintains the official record of these comments. Comments were received in the mail, via e-mail, and via comment cards submitted during four public meetings held by DNR and USFWS throughout the state in January 2017. The comment period closed on March 9, 2017. Comments were copied and provided to USFWS.

Staff received **5,226** written comments on the marbled murrelet DEIS (**4,724** of these comments were similar, "form letter" or postcard type comments). A memory stick of all comments received is provided.

Commenters included beneficiaries (counties, cities, school and utility districts), industry and industry associations, environmental organizations and a coalition of environmental organizations, recreational users, and members of the public.

To follow is a brief summary of comments, organized by topic. Responses to comments will be provided in a Final Environmental Impact Statement. This brief summary is intended to provide the Board with a sense of the major issues and themes covered by the commenters. Many comment letters are lengthy and contain multiple points, all of which may not be captured here.

Support for a new, "conservation alternative"

A coalition of major environmental organizations (Sierra Club, Washington Environmental Council, Seattle Audubon, Defenders of Wildlife, Olympic Forest Coalition, Conservation Northwest, and Washington Forest Law Center) submitted a new proposal, referred to as the "conservation alternative" (also referred to as "Alternative G"). This coalition asked that Alternative B be eliminated from consideration, and that their conservation alternative be analyzed in a revised or supplemental DEIS prior to the Board choosing a preferred alternative.

The proposed conservation alternative would add a significant number of acres to long-term forest cover and marbled murrelet conservation areas, totaling 876,392 acres of LTFC

(approximately 64% of DNR-managed lands within the analysis area, as compared with 45 - 53% of DNR-managed lands within the analysis area under the alternatives analyzed in the DEIS), with no habitat released for harvest. In brief, this conservation alternative proposes adding to Alternative F the following components:

- All current and future P-stage habitat within the next 50 years
- All Emphasis Areas and Special Habitat Areas from Alternative E
- No-touch 150m buffers around all occupied sites and old forest (OESF) as mapped by the 2008 Science Team
- Daily timing restrictions on forest practices during the nesting season
- 100% habitat target as soon as possible within all conservation areas
- Limiting harvest in conservation areas to enhancement of non-habitat to accelerate habitat restoration.

Maps and data were provided by the coalition. In an attachment to their comment letter, the coalition provides some analysis of how their conservation alternative compares with Alternative A. The proposal and comment is over 275 pages in length, plus a CD of supporting documents. The coalition also provided several comments critical of the range, analysis, and content of the alternatives analyzed in the DEIS, and comments directed to USFWS on the ESA Section 10 approval process and need for public comment during that process. The coalition called upon USFWS not to accept the take and mitigation assessment provided in the DEIS; asked that only permanent habitat preservation be counted as mitigation; asked that NAPs and NRCAs are not counted as mitigation; asserted that take is not minimized and mitigated to the maximum extent practicable; expressed concerns with the proposal accelerating species decline and impeding recovery; and criticized inadequate accounting for uncertainties, including climate change and other cumulative effects.

Hundreds of individual and group comments supporting the conservation alternative were received. Most of these comments came in the form of pre-printed postcards and form letter type e-mails, although many commenters wrote individual letters of support as well. Supporters of the “conservation alternative” did not feel that the alternatives analyzed in the DEIS were adequate to conserve the marbled murrelet. Many of these supporting commenters also asked that this new

alternative be evaluated in a supplemental or revised DEIS before the agencies select a preferred alternative.

Support for Alternative B, concern with economic impacts

Many trust beneficiaries, including counties and school districts, and several industry representatives and individuals expressed concerns with the economic impacts of the alternatives, including loss of local revenues, loss of harvest-related jobs, and potential violation of the trust mandate. Some commenters concerned with economic impacts preferred no action, but most of these commenters specifically expressed support for Alternative B, noting that this alternative best meets DNR's legal and fiduciary responsibilities to the trust beneficiaries. Many commented that Alternative B was the *only* alternative that meets the trust mandate. Many commenters supportive of Alternative B, including the Washington State Association of Counties and American Forest Resource Council (AFRC), also pointed to the substantial existing protection of mature and old-growth habitat on DNR-managed lands. Several noted that the existing conservation provided by DNR is adequate, and that no more lands should be set aside for species protection.

AFRC notes that additional minimization and mitigation is not necessary or legally required for approval of a permit by USFWS. AFRC and many others also question assumptions about the role of inland habitat in population decline, and argue that the principal threat is marine conditions and forage.

Support for enhanced Alternative E (WDFW, U.S. EPA)

The Washington Department of Fish and Wildlife (WDFW) proposed a new alternative to be considered, based on Alternative E but enhanced with additional conservation. Key components of this proposed new alternative include: buffer all occupied sites with at least 100m no-cut buffers (allow dense young forest buffers to be lightly thinned to promote faster growth); retain all high quality P-stage forest patches; provide key secure large breeding habitat blocks in southwest Washington (SWWA); retain some "next best" (P-stage .36 and .25) habitat for current nesting and as future recruitment for high quality nesting in OESF and SWWA. WDFW recommends adding to E several specific MMAs from Alternative F and a list of "false negative" habitat patches identified by WDFW staff. WDFW stated they do not support Alternatives A or B, and cannot support C, D, and E as drafted. WDFW is concerned with

harvest of high quality habitat under Alternative F, and requested more information on how much of the NSO low quality habitat would reach P-stage by decade 5. WDFW is also concerned that Alternative F does not include conservation areas near the Strait of Juan de Fuca. U.S. EPA raised objections to Alternative B, and expressed environmental concerns for Alternatives C through F. For the FEIS, U.S. EPA suggested development of a modified Alternative E (and F) with additional conservation.

Support for Alternative F, or a modified version of Alternative F

Several commenters were supportive of Alternative F, noting that it provided the most conservation for the marbled murrelet. Many other commenters, including the American Bird Conservancy and Pacific Seabird Group, asked that Alternative F be expanded to include larger buffers, additional conservation areas, more protective conservation measures, and no harvest of habitat. These changes are similar to those proposed under the conservation alternative described above. U.S. EPA suggested that a modified Alternative F include all current and future habitat, all special habitat areas, and all emphasis areas.

Concerns with ongoing population decline and habitat loss

Many commenters, including most of those supporting the conservation alternative but also several other individuals not affiliated with the conservation alternative, expressed specific concern with the ongoing population decline of the marbled murrelet that could occur under the proposed DEIS alternatives. The Peery and Jones draft population viability analysis was of concern to many commenters, who interpreted it to mean that even under Alternative F, the population of birds on DNR-managed lands would barely recover by 50 years, and that any initial declines in population may push the species past the brink. Many commenters were concerned that the species may go extinct in the time it takes to implement the long-term strategy, and that the population is too low to endure any additional habitat harvest or take.

Many commenters called for protection of all high-quality marbled murrelet habitat and old growth, and others called for all current and future murrelet habitat on DNR-managed lands to be protected. Several commenters specifically asked for more conservation to be added adjacent to the Strait of Juan de Fuca, citing a 2014 study showing off-shore population “hot spots” for the marbled murrelet.

Other topics

Other comments included requests for clarifying or strengthening some of the conservation measures, concern with U.S. Navy plans for low-flying aircraft over the Olympic Peninsula, concern with restrictions on public recreation, and general expressions of concern and support for conservation and recovery of the marbled murrelet.

A lengthy comment letter (“white paper”) was received from the Washington Forest Law Center arguing against some of the basic assumptions around the trust mandate.

Next steps

USFWS and DNR staff are working together to craft responses to the comment letters received. The overall project timeline is subject to decisions by the Board of Natural Resources around determining a preferred alternative, including whether the agencies should pursue a revised or supplemental DEIS or continue on a path toward producing a final EIS.