Appendix F

Quantification of incidental take under the 20-acre exemption rule (WAC 222-30-023)

The quantification of incidental take under the 20-acre exemption rule is problematic due to the lack of consistent statewide data on forested parcel ownership to determine precisely who is eligible for the 20-acre exemption rule under WAC 222-30-023. Two analyses were conducted on the eligibility of landowners that would qualify for the 20-acre exemption and on the subsequent effects to aquatic resources. The first analysis is presented in the Final FPHCP, Appendix J (i.e., the RTI analysis). The second analysis was provided to the Services by the Skagit River System Cooperative during the 90-day public comment period on the DEIS1 (i.e., the Waldo and Wyman analysis). A discussion of these two analyses is presented in the FEIS, Volume II, subsection 3.13, 20-Acre Exemption.

In addition to the two analyses mentioned above, the DNR prepared a paper entitled Exempt 20-Acre Parcel Riparian Management Zones: An Assessment of Riparian Function. This paper constitutes the last 10 pages of Appendix J in the Final FPHCP. This paper presents data from October 25, 2001, through June 30, 2005, on the number of 20-acre exemption forest practices applications that the DNR received and of those applications, the number that were identified as conversions to a use other than forestry. The two analyses and DNR's assessment paper are used to inform the Services' quantification of incidental take under the 20-acre exemption rule.

The Services are using information from Table 3-1 in the FEIS, Volume II, subsection 3.13, 20-Acre Exemption, and the column entitled "RTI Forested Fish-bearing F&F Stream Miles2. This column presents the percentage of affected stream miles within the North Puget Sound Region as 1.1 percent under the RTI analysis and 3.9 percent under the Waldo and Wyman analysis. The FEIS, Volume II, subsection 3.13, 20-Acre Exemption, acknowledges that the RTI analysis is likely an underestimate, and the Waldo and Wyman analysis is likely an overestimate, of the actual amount of land eligible for the 20-acre exemption rule. Therefore, the Services are using both analyses and the percentages described above to calculate an average between the two analyses. Therefore, the average percentage is 2.5 percent of the affected stream miles within the North Puget Sound Region. The Services consider the North Puget Sound Region to be one of the highest regions out of all of the 12 FEIS regions with landowners eligible for the 20-acre exemption rule. Therefore, the Services consider that 2.5 percent is a conservative estimate when extrapolated statewide.

The Services also are using the data from Table 1 within the last 10 pages of Appendix J of the Final FPHCP. This table presents the total number of 20-acre exempt forest practices applications received by the DNR between October 25, 2001, and June 30, 2005. A total of 440 forest practices applications were received during this time. Of the 440, 86 were actual conversions to a land use other than forestry and would not be a part of the FPHCP. That leaves 354 forest practices applications that are then multiplied by 20 acres (assuming that each forest practices application included the maximum harvestable amount). That calculates to 7,080 acres harvested during the time period under the 20-acre exemption rule. Then, the 7,080 acres are divided by the time period the forest practices applications were received (i.e., 3.5 years). This calculates to 2,023 acres per year harvested under the 20-acre exemption rule. Using data presented in the Northwest Forest Plan 10-Year Monitoring Report that provides annual harvest estimates within the range of the northern spotted owl from 1992 through 2002, we calculate a 10-year average annual harvest acreage of 79,377 acres of harvest for all FPHCP covered lands. The Services assume this

[1] The Skagit River System Cooperative public comment letter is number 788 and is available at: http://www.fws.gov/westwafwo/consplan/docs.html or the Services' administrative record for the FPHCP Biological Opinion.

[2] This column heading means the total fish-bearing stream miles on forestland regulated under the current Washington Forest Practices Rules in the North Puget Sound Region as reported by the Rural Technology Initiative.

average annual harvest acreage would apply to the covered lands under the FPHCP. So, the Services calculated an annual percentage of FPHCP acres under the 20-acre exemption as a portion of the total annual acres harvested (i.e., 2,023 acres divided by 79,377 acres) as 2.5 percent.

It is mere coincidence that both approaches to estimating the percentage of land subject to the 20-acre exemption resulted in 2.5 percent. However, the Services are using this percentage in attributing take, as represented by the habitat surrogate of riparian management acres, to the 20-acre exemption rule. The Services acknowledge this is an imprecise methodology, but the most practical method given the available data of attributing take to the 20-acre exemption rule. Therefore, the Services use the 2.5 percent to attribute take to the 20-acre exemption rule.