

Chapter 1

INTRODUCTION

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Introduction

This chapter describes the proposed action and states the need, purpose, and objectives of this proposal. This chapter also outlines the regulatory and policy framework for the long-term marbled murrelet conservation strategy, describes the analysis area, and highlights the environmental impact statement and approval process.

1.1 Proposed Action: Need, Purpose, and Objectives

The action proposed by the Washington Department of Natural Resources (DNR) and the U.S. Fish and Wildlife Service (USFWS) is to amend DNR’s 1997 *State Trust Lands Habitat Conservation Plan* (1997 HCP) by replacing the interim marbled murrelet (*Brachyramphus marmoratus*) conservation strategy described in that HCP with a long-term conservation strategy. An amendment to the HCP and associated incidental take permits¹ involves both state and federal action subject to the State Environmental Policy Act² (SEPA) and National Environmental Policy Act³ (NEPA), respectively. This proposed action is considered a non-project action under SEPA.⁴

■ Need for the proposed action

DNR needs to obtain long-term certainty for timber harvest and other management activities on forested state trust lands, consistent with commitments in the HCP and DNR’s fiduciary responsibility to the trust beneficiaries as defined by law.⁵ USFWS needs to provide for conservation of the marbled murrelet by ensuring that the HCP meets permit issuance criteria under the Endangered Species Act (ESA) Section 10(a)(1)(B).

¹ In this document, the term “incidental take permit” refers to all of the following: DNR’s original incidental take permit [PRT 812521] issued by USFWS in 1997, amendments to that permit in 1998 and 1999, and an incidental take permit [PRT 1168] issued by WDFW in 2009 for six types of salmon stocks.

² Revised Code of Washington (RCW) 43.21C.

³ 42 U.S.C. §4321 et seq. (1969).

⁴ Non-project actions are “governmental actions involving decisions on policies, plans, or programs that contain standards controlling use or modification of the environment, or that will govern a series of connected actions.” (SEPA Handbook, Chapter 4).

⁵ Trust duties are discussed in more detail Section 1.2.

■ Purpose of the proposed action

The purpose of the proposed action is to develop a long-term conservation strategy for marbled murrelets on forested state trust lands in the six west-side planning units, subject to DNR's fiduciary responsibility to the trust beneficiaries as defined by law, and USFWS's responsibilities under the ESA, which achieves all of the following objectives:

- **Objective #1, Trust Mandate:** Generate revenue and other benefits for each trust by meeting DNR's trust management responsibilities. Those responsibilities include making state trust lands productive, preserving the corpus of the trust, exercising reasonable care and skill in managing the trust, acting prudently with respect to trust assets, acting with undivided loyalty to trust beneficiaries, and acting impartially with respect to current and future trust beneficiaries.
- **Objective #2, Marbled Murrelet Habitat:** Provide forest conditions in strategic locations on forested trust lands that minimize and mitigate incidental take of marbled murrelets resulting from DNR's forest management activities. In accomplishing this objective, we expect to make a significant contribution to maintaining and protecting marbled murrelet populations.
- **Objective #3, Active Management:** Promote active, innovative, and sustainable management on state trust lands.
- **Objective #4, Operational Flexibility:** Provide operational flexibility to respond to new information and site-specific conditions.
- **Objective #5, Implementation Certainty:** Adopt feasible, practical, and cost-effective actions that are likely to be successful and can be sustained throughout the life of the HCP.

1.2 Regulatory and Policy Framework

DNR-managed lands within the analysis area are subject to a variety of federal and state laws, as well as policies adopted by the Board of Natural Resources (Board). The long-term conservation strategy for the marbled murrelet must comply with these regulations and policies.

■ Federal Endangered Species Act

The purposes of the Endangered Species Act include protecting the ecosystems that threatened and endangered species depend on, providing a program that conserves populations of threatened and endangered species, and taking appropriate steps to achieve the purposes of the ESA. The long-term conservation strategy must meet multiple criteria under the ESA, including the following Section 10 issuance criteria:

- The taking will be incidental.
- The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such taking.
- The applicant will ensure that adequate funding for the plan will be provided.
- The taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild.
- Other measures, if any, that the Secretary may require as being necessary or appropriate for the purposes of the plan.⁶

Text Box 1.2.1

What is “take”?

“Take” is defined in the Endangered Species Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species. Harm may include significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior (for example, nesting or reproduction).

■ 1997 Habitat Conservation Plan

The proposed action is an amendment to the 1997 HCP and associated incidental take permits.⁷ The 1997 HCP is a long-term land management plan that is authorized under Section 10 of the ESA and prepared in partnership with the USFWS and National Marine Fisheries Service (NMFS). The 1997 HCP describes how DNR meets the ESA Section 10 criteria with a suite of habitat conservation strategies focused on northern spotted owls, marbled murrelets, salmon, and riparian obligate species, as well as other unlisted species (associated with uncommon habitats). These strategies range from passive (for example, protect unique habitats such as cliffs) to active (for example, thin forests to speed development of habitat). Through these HCP conservation strategies, DNR offsets the potential harm of forest management activities on individual members of a species by providing for conservation of the species as a whole.

⁶ ESA Section 10(a)(2)(B); 16 U.S.C. § 1539(a)(2)(B).

⁷ Refer to Implementation Agreement, 1997 HCP, Appendix B, page B.11.

A long-term conservation strategy for marbled murrelet would work in concert with the other existing HCP conservation strategies. The objectives and approaches described in the riparian conservation strategy, northern spotted owl conservation strategy, and the protection of uncommon habitats do not change through this SEPA/NEPA planning process. Under some of the alternatives analyzed in this Draft Environmental Impact Statement, some existing, permitted activities may be modified at the local scale to enhance their conservation benefit for marbled murrelets. The effect of the long-term strategy alternatives on existing conservation strategies will be discussed in more detail in the following chapters.

An HCP is a required component of an application for an incidental take permit, which is required when activities occurring on non-federal lands, such as timber harvests, have the potential to result in incidental take of a threatened or endangered species. Incidental take means harm or harassment to individuals of a listed species when such take is incidental to, and not the purpose of, carrying out otherwise lawful activities such as timber harvests (DNR 1997). The contents of an HCP are defined in Section 10 of the ESA and its implementing regulations. They include:

- An assessment of the impacts likely to result from the proposed taking of one or more federally listed species.
- Measures the permit applicant will undertake to minimize, mitigate, and monitor for such impacts; the funding that will be made available to implement such measures; and the procedures to deal with unforeseen or extraordinary circumstances.
- Alternative actions to the taking that the applicant analyzed and the reasons why the applicant did not adopt such alternatives.
- Additional measures that USFWS may require as necessary or appropriate.

■ State Trust Lands

By meeting the terms of the 1997 HCP and incidental take permits, DNR fulfills its obligations under the ESA. The 1997 HCP and incidental take permits provide DNR the stability, certainty, and flexibility it needs to meet its responsibility as a trust lands manager, which is to provide a perpetual source of revenue to its trust beneficiaries while simultaneously developing a complex, healthy, resilient forest ecosystem capable of supporting native species. As a trust lands manager, DNR must follow the common law duties of a trustee. Two of these duties were addressed in the 1984 landmark decision *County of Skamania v. State of Washington*: 1) a trustee must act with undivided loyalty to the trust beneficiaries to the exclusion of all other interests, and 2) a trustee has a duty to manage trust assets prudently (DNR 2006, p. 15). Refer to the *Policy for Sustainable Forests* for a more detailed discussion of DNR's trust management duties (DNR 2006, p. 9–16).

Text Box 1.2.2

Will the long-term strategy amend the existing HCP conservation strategies?

The long-term strategy focuses on marbled murrelet conservation and is intended to work with the existing conservation strategies of the HCP. Under some alternatives proposed in this DEIS, some existing, permitted activities may be modified at the local scale to enhance their conservation benefit for marbled murrelets.

For a more detailed explanation of the ESA's Section 10 process as it applies to this conservation strategy, refer to Section 1.4.

This DEIS refers to "state trust lands" or "trust lands" to describe the following trusts defined under state law and managed by DNR to provide revenue to specific trust beneficiaries. Chapter 3 provides information on the acres of each trust within the analysis area. The term "state trust lands" used in this DEIS refers to:

- **State Lands** (RCW 79.02.010(14)): Shortly before Washington became a state in 1889, Congress passed the Omnibus Enabling Act of 1889 (Volume 25, U.S. Statutes at Large, Chapter 180, p. 676) to grant the territory more than 3 million acres of land as a source of financial support for named beneficiaries, primarily for public schools and colleges. Unlike states that sold many of their federally granted lands early in the 1900s, Washington retained ownership of most of these lands and continues to manage them to provide revenue and other benefits to the people of Washington (DNR 2006). These lands are called State Lands.
- **State Forest Lands** (RCW 79.02.010(13)): DNR manages two categories of State Forest Lands. *State Forest Transfer Lands* were acquired by 21 counties in the 1920s and 1930s through tax foreclosures. Unable to manage these mostly harvested and abandoned lands, counties deeded them to the state to manage as state trust lands. In exchange for the deed transfer, the county and taxing districts in which the land is located are given most of the revenue from timber sales and other revenue-producing activities. *State Forest Purchase Lands* were either purchased by the state or acquired as a gift. State forestlands are to be used primarily for forestry, forever reserved from sale, and managed similar to federally granted trust lands.

Two other trusts are located within the analysis area, covering significantly fewer acres:

- **Community College Forest Reserve** (RCW 79.02.420): In addition to the State Lands and State Forest Lands, DNR also manages more than 3,200 acres of forestlands for community colleges. The Community College Forest Reserve was established by the Legislature in 1996. Funds for DNR to purchase the properties were first appropriated that year.

These lands, located near urban areas, form a buffer between other working forests and suburban uses. The properties are managed for sustained timber production, but special consideration is given to aesthetics, watershed protection, and wildlife habitat. Revenues go to a special fund for building and capital improvements on community college campuses.

- **King County Water Pollution Control Division State Trust Lands**: DNR manages more than 4,300 acres of state trust lands for the benefit of King County and its Wastewater Treatment Division. These lands were transferred to DNR for management through an agreement with the county in June 1995 and are managed for long-term forestry, the same as other state trust lands. Some of the King County's biosolids will be applied to these lands where soils and locations are appropriate.

■ Policy for Sustainable Forests

The *Policy for Sustainable Forests* (DNR 2006) is DNR’s guiding set of policies for the management and stewardship of forested state trust lands. The Policy describes DNR’s obligations for managing forestlands on behalf of the state trusts (refer to “State Trust Lands” in the preceding section), and establishes specific policies around economic performance, forest ecosystem health and productivity, and social and cultural benefits. The policies in this document work to support implementation of the 1997 HCP. Therefore, this DEIS uses the *Policy for Sustainable Forests* to establish criteria for the analysis of potential environmental consequences of the alternatives (Chapter 4). The multiple benefits from state trust land management are discussed in the *Policy for Sustainable Forests*; policies are grouped into major categories that address key aspects of sustainable forest management including economic performance, forest ecosystem health and productivity, and social and cultural benefits (DNR 2006, p. 25–50).

Sustainable harvest calculation

The sustainable harvest calculation is approved by the Board of Natural Resources and establishes a sustainable harvest level of timber to be scheduled for sale from DNR-managed state trust lands during a planning decade.⁸ The marbled murrelet long-term conservation strategy will have implications for the sustainable harvest calculation. An update to the calculation, which is currently underway, will incorporate a range of conservation lands proposed under the marbled murrelet long-term conservation strategy alternatives in order to properly analyze potential harvest levels.⁹ Ultimately, both the marbled murrelet long-term conservation strategy and the sustainable harvest calculation will be considered together by the Board of Natural Resources to determine appropriate harvest levels.

Old-growth stands in western Washington

The *Policy for Sustainable Forests* includes provisions to identify and protect old-growth forests. These forests are defined as stands of pre-European settlement origin (prior to the year 1850) that have not been actively managed. These stands have a high level of structural complexity and provide conditions for marbled murrelet nesting. DNR maintains an inventory of old-growth forest stands of at least 5 acres in size. Protection of these stands is a key component of the 1997 HCP, as they provide conservation benefit to the northern spotted owl and riparian habitat, as well as the marbled murrelet. In the Olympic Experimental State Forest (OESF), some management of old-growth stands is allowed, consistent with the HCP and research objectives of this planning unit.

⁸ RCW 79.10.300(5).

⁹ Information on the sustainable harvest calculation update can be found at www.dnr.wa.gov/shc.

■ State Forest Practices Act

In 1974, the Legislature passed the Forest Practices Act, which regulates activities such as growing and harvesting timber on all non-federal forestlands in the state, including forested state trust lands.¹⁰ The Forest Practices Board adopts forest practices rules that implement the Act.¹¹

In 1999, the legislature directed the Forest Practices Board to amend the rules to be consistent with the April 1999 *Forests and Fish Report*.¹² The objectives of that report are to protect public resources, focusing on water quality, salmon habitat, federally-listed species, and other aquatic and riparian resources. The legislature also directed that the Governor to seek assurances from federal agencies so that compliance with the forest practices rules would satisfy federal requirements under the endangered species act.¹³ In 2001, the Forest Practices Board amended the rules and in 2006, the USFWS and NMFS approved the programmatic *Forest Practices Habitat Conservation Plan* and associated incidental take permits to conserve fish and seven amphibian species. The Forest Practices HCP provides ESA coverage for forest landowners through the state's Forest Practices program.

Field staff in DNR's six regions administer and enforce the Forest Practice rules (and thus the Forest Practices HCP). DNR's Forest Practices Division provides staff support to the Forest Practices Board and programmatic oversight for the regions and is entirely independent of DNR's divisions that manage forested state trust lands. Specific forest practice rules apply to forest practices covered by an HCP such as the 1997 State Trust Lands HCP.¹⁴ Forest practices activities on DNR-managed lands not covered by the 1997 HCP (some limited acreage in western Washington but mostly eastern Washington) obtain ESA coverage through the Forest Practices HCP.

■ National Environmental Policy Act

The purpose of NEPA is to promote analysis and disclosure of the environmental issues surrounding a proposed federal action. The scope of NEPA goes beyond that of the ESA by considering the impacts of a federal action not only on fish and wildlife resources, but also on other aspects of the environment such as water quality, cultural resources, recreation, and other pertinent areas depending on the scope of the action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences and take actions that protect, restore, and enhance the environment.

¹⁰ RCW 76.09.

¹¹ RCW 76.09.030, 040.

¹² RCW 77.85.180.

¹³ RCW 77.85.190.

¹⁴ WAC 222-16-080(6)(i), Exempting forest practices consistent with HCP from Class IV-Special classification; WAC 222-12-041(3)(a), Use of HCPs for aquatic resources.

■ Other related laws and policies

DNR complies with all other applicable state and federal laws. Some examples include the state Shoreline Management Act,¹⁵ which is intended to protect valuable shoreline resources, and the state and federal Clean Water Acts,¹⁶ which establish the basic structure for regulating discharges of pollutants into the waters of the United States. The state and federal Clean Air Act,¹⁷ SEPA,¹⁸ and certain local laws also affect the management of state trust lands. Chapter 3, Affected Environment, summarizes the applicable laws and policies for each element of the environment evaluated for impacts.

Natural areas

DNR manages a statewide system of conservation lands called natural areas that contribute to biodiversity conservation in Washington and are included in the 1997 HCP as “permit lands.” Natural Area Preserves (NAPs) protect rare or vanishing flora, fauna, and geological, natural historical, or similar features of scientific or educational value.¹⁹ Natural Resources Conservation Areas (NRCAs) include areas with a high priority for conservation, natural systems, wildlife, significant geologic features, archaeological resources, or scenic attributes and often provide public access.²⁰ DNR actively manages natural areas to ensure control of invasive species and to restore native species. NAPs and NRCAs are included in the marbled murrelet long-term conservation strategy where they provide habitat and security to marbled murrelet habitat.

¹⁵ RCW 90.58.

¹⁶ 33 U.S.C. §1251 et seq. (1972); RCW 90.48.

¹⁷ 42 U.S.C. §7401 et seq. (1970); RCW 70.94.

¹⁸ RCW 43.21C.

¹⁹ RCW 79.70.

²⁰ RCW 79.71.

1.3 The Analysis Area

The analysis area for this DEIS is all DNR-managed lands (approximately 1.377 million acres) within 55 miles of all marine waters in western Washington (refer to Figure 1.3.1). This 55-mile line is the same as was used in the *Northwest Forest Plan* (USDA 1994) and is used by USFWS as an estimate of the inland range of the marbled murrelet in Washington.

The total land within the 55-mile range totals over 16 million acres. DNR manages approximately 9 percent of this land. DNR organizes its habitat conservation on ecological units called “HCP planning units,” which include Olympic Experimental State Forest, Straits, South Coast, Columbia, North Puget, and South Puget. State trust lands managed under the 1997 HCP within these planning units are the areas where the marbled murrelet long-term conservation strategy will be implemented.

Other lands within the inland nesting range of the marbled murrelet are owned and managed by private industries, municipalities, organizations, and individuals, as well as federal agencies. Table 1.3.1 includes a breakdown of ownership.

Figure 1.3.1. Analysis Area for the DEIS



Table 1.3.1. Land Ownership Within the Washington Inland Range of the Marbled Murrelet

Land within 55 miles of saltwater	Acres	
Total land regardless of ownership	16,056,074	
	Acres	Percent
US Forest Service, USFWS, and National Park Service land	4,165,681	26%
DNR-managed land	1,377,933	9%
Private and other	10,512,460	65%

1.4 Environmental Impact Statement (EIS) and Approval Process

Figure 1.4.1 shows the steps of this project, from scoping through final approval. Each of these steps is described in the following section.

■ Scoping

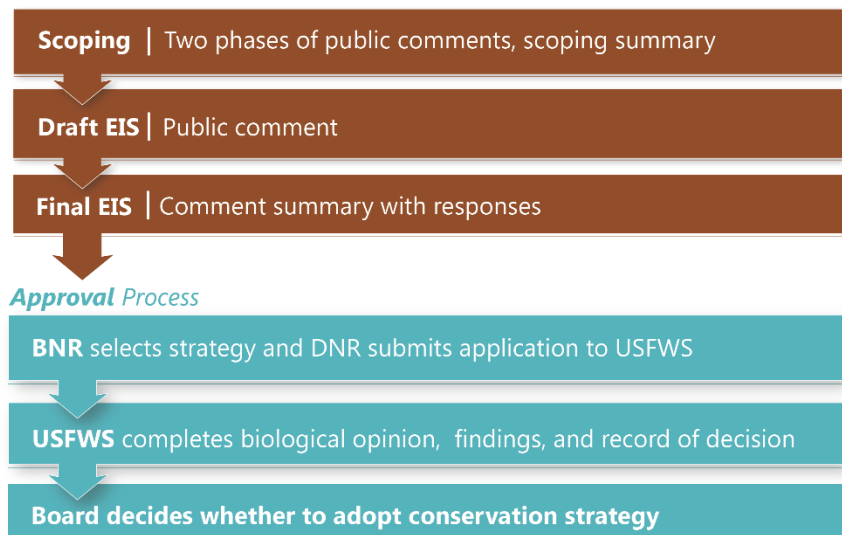
Scoping involves defining the range of the issues to be addressed in an EIS. Scoping helps the lead agency recognize areas of concern and eliminate less significant impacts from detailed study, which helps focus the EIS. Comments from concerned citizens and organizations help agencies identify reasonable alternatives to be analyzed in an EIS, and the opportunity to comment during the scoping process also helps promote agency and public communication.

2006 Determination of Significance and Public Scoping Notice

On September 15, 2006, DNR issued a *Determination of Significance and Public Scoping Notice* for the long-term marbled murrelet conservation strategy, indicating that an EIS would be prepared. On that same date, USFWS, as joint lead agency, issued a federal Notice of Intent to conduct public scoping and prepare a joint EIS (71 Federal Register 54515). The proposal's geographic area at that time included OESF, Straits, South Coast, and Columbia HCP planning units only.

Figure 1.4.1. EIS and Approval Process

NEPA/SEPA Joint EIS Process



After the public scoping notices were issued, DNR and USFWS held four public meetings at the following dates and locations:

- September 25, 2006: Olympic Natural Resources Center, Forks
- September 28, 2006: Natural Resources Building, Olympia
- October 4, 2006: Willapa Harbor Community Center, South Bend
- October 5, 2006: Lacey Community Center, Lacey

Ten scoping comments were received during the scoping comment period (September 15 through October 30, 2006). DNR decided not to proceed immediately with development of the EIS for the long-term strategy because of the economic downturn and resulting budget cuts.

2012 project resumption

In January 2012, USFWS and DNR resumed development of the EIS for the long-term strategy as Joint Lead Agencies pursuant to their respective authorities under NEPA and SEPA and reinitiated and expanded public scoping due to the passage of time since the original scoping notice was issued. Subsequently, DNR and USFWS jointly prepared a statement of need, purpose, and objectives consistent with their respective authorities in order to facilitate the identification of a reasonable range of alternatives.

2012 and 2013 scoping

Scoping was done in two 30-day phases for the preparation of the DEIS. Phase 1 was initiated on April 20, 2012, when DNR issued a Public Scoping Notice and USFWS issued a federal Notice of Intent to conduct scoping (77 Federal Register 232743). In Phase 1, DNR and USFWS requested public comment related to the following: a proposed statement of need, purpose, and objectives, range of alternatives, impacts that should be considered, and environmental information relevant for the analysis for the long-term marbled murrelet conservation strategy. (These comments would be in addition to those received during the 2006 scoping process, which were retained by both agencies.) In addition, the Joint Lead Agencies geographically expanded the proposal to include the North and South Puget HCP planning units. Meetings were held in western Washington on these dates:

- April 30, 2012: Natural Resources Building, Olympia
- May 3, 2012: Northwest Region Office, Sedro-Woolley
- May 8, 2012: Pacific Cascade Office, Cathlamet
- May 9, 2012: Olympic Region Office, Forks

In all, about 2,040 individual comments were received during the Phase 1 scoping period (April 20 through May 21, 2012). Comments were summarized by subject.

At the August 2012 Board meeting, the Board (with USFWS support) approved the need, purpose, and objectives statement for inclusion in the DEIS.

Subsequently, DNR and USFWS decided to hold a second phase of scoping. On May 13, 2013, DNR issued a *Notice of Public Meetings and Request for Comments on the Scope of an Environmental Impact Statement*, initiating Phase 2 of scoping. Though not required under SEPA or NEPA, Phase 2 scoping increased the opportunities available to the public to learn about and provide input into the conservation strategy process. In this second phase of scoping, DNR and USFWS sought public comment on a set of conceptual alternatives for the conservation strategy. Public meetings were held on these dates:

- June 5, 2013: Natural Resources Building, Olympia
- June 10, 2013: Northwest Region Office, Sedro Woolley
- June 12, 2013: Olympic Region Office, Forks
- June 19, 2013: Pacific County Courthouse Annex, South Bend

During the Phase 2 scoping period (May 13 through July 1, 2013), 1,976 individual comments were received regarding DNR's and USFWS's conceptual alternatives. These comments were summarized by subject in July and August 2013. By reviewing all of the comments from the 2006 scoping and both phases of the 2012–2013 scoping, DNR and USFWS narrowed the scope of issues for consideration in this DEIS. Refer to Appendix A for the scoping summary report provided to the Board.

2015 public comment

In addition to the formal scoping process, DNR presented draft alternatives to the Board of Natural Resources in October 15 and December 3, 2015. Public comment received during those meetings was also considered and is summarized in the Scoping Report in Appendix A.

■ Development of the DEIS and Final EIS (FEIS)

Following scoping, DNR and USFWS jointly developed a set of management alternatives through a collaborative working process. The alternatives represent different management options to USFWS and DNR decision-makers and reflect the ideas and concerns raised by the public and stakeholders during the entire scoping process.

USFWS and DNR then prepared this DEIS. This document analyzes a reasonable range of alternatives to identify potential environmental impacts and mitigation measures under both NEPA and SEPA.

The comment period for the DEIS begins when the DEIS is formally issued. The comment period gives the public a chance to comment on the DEIS. After the comment period, DNR and USFWS will review and consider all comments received and prepare an FEIS.

Who is the DNR decision maker?

DNR's decision maker for this action is the Board of Natural Resources (Board). Board approval is required for this project because the proposal would amend an existing Board-approved policy, the 1997 HCP. As the decision maker, the Board will be responsible for selecting a final alternative plus any proposed mitigation. The Board may adopt an alternative in its entirety or it may combine elements of different alternatives. Although the final selected alternative may not be identical to any one particular alternative in this DEIS, it will be within the range of alternatives analyzed.

Text Box 1.4.1

What is the Board of Natural Resources?

The Board of Natural Resources (Board) was established when DNR was created in 1957. The Board sets policies ensuring that the acquisition, management, and disposition of the lands and resources in DNR's care are based on sound principles and consistent with applicable laws. The Board approves timber sales and the sale, exchange, or purchase of state trust lands and also establishes the sustainable harvest level for forested state trust lands. Any change to DNR policies requires Board approval.

Membership in the Board is set by state statute and includes: the Commissioner of Public Lands, the Governor of Washington or designee, the Washington Superintendent of Public Instruction, a county commissioner from a county with state trust lands, the Director of the School of Environmental and Forest Sciences at the University of Washington, and the Dean of the College of Agriculture, Human, and Natural Resource Sciences at Washington State University.

■ USFWS approval process

Once the Board selects the final alternative for the long-term marbled murrelet conservation strategy, DNR will prepare and submit an application to the USFWS to amend the 1997 HCP.

Upon submission of the Board-approved alternative, along with a complete application (previously described in Section 1.2), USFWS is responsible for determining sufficiency under the ESA. This includes the completion of both a Section 7 consultation and a Section 10 finding. The Section 7 consultation will conclude with a biological opinion with a determination of whether the proposed action will "not appreciably reduce the likelihood of the survival and recovery of the species in the wild." The Section 10 findings will evaluate if all the issuance criteria (listed Section 1.2) are adequately satisfied.

At the time of the USFWS decision, the agency must prepare a NEPA record of decision (ROD) explaining how they arrived at the decision. The ROD must include: what the decision was; alternatives considered and the environmentally preferred alternative(s); a statement of whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted; and a monitoring and enforcement program for adopted mitigation measures (40 CFR 1505.2).

Is this the end of the process?

No. Once USFWS has made its final determination on whether to approve DNR's application, the Board will decide whether DNR will adopt the conservation strategy and accept the permit terms and conditions.

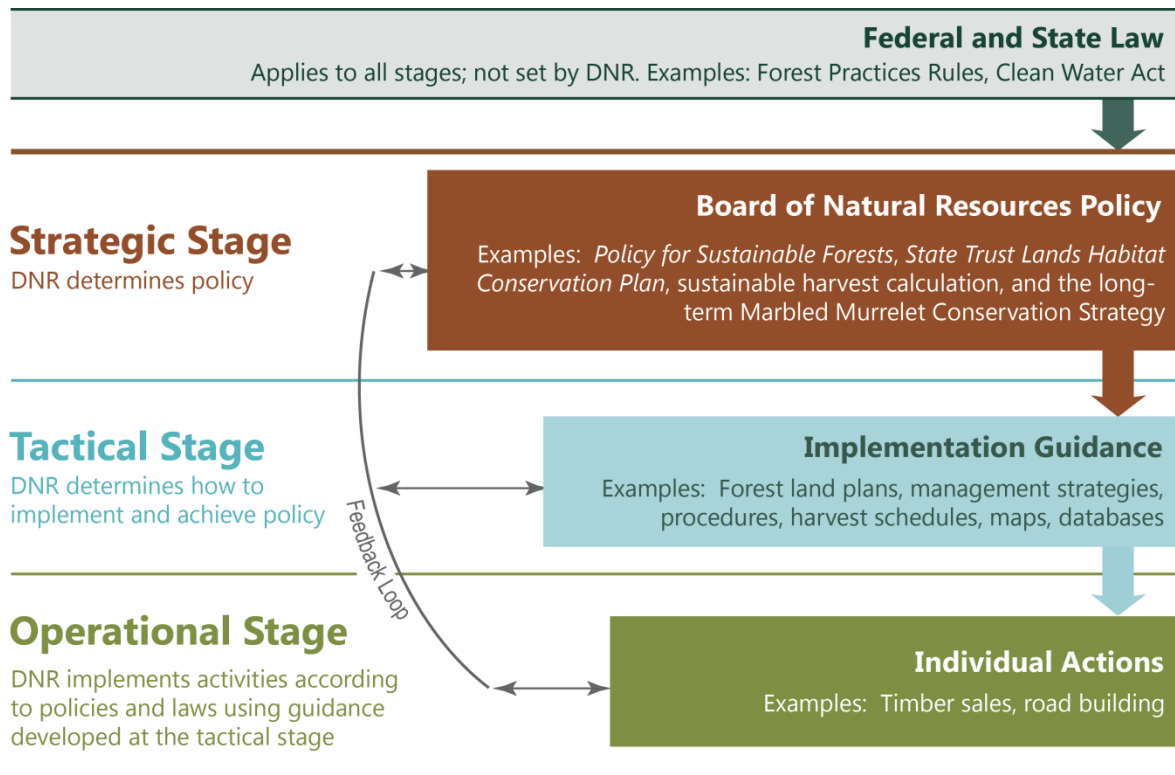
Will the long-term conservation strategy affect other DNR planning processes?

Yes. To understand why and how, it is important to understand DNR's planning process. This process has three stages: strategic, tactical, and operational (refer to Figure 1.4.2).

The first planning phase is called **strategic** because it involves developing policies that define DNR's basic operating philosophy, establish standards, and provide direction upon which subsequent decisions can be based. Examples of policies include HCPs and the *Policy for Sustainable Forests*. Amendment of the 1997 HCP and incidental take permits for the long-term marbled murrelet conservation strategy both fall within the strategic level of planning. All of these policies require approval from the Board of Natural Resources.

Another example of a strategic level of planning is the sustainable harvest calculation. As described above, the sustainable harvest calculation establishes the volume of timber to be scheduled for sale from state trust lands during a planning decade. The sustainable harvest calculation policy has some flexibility designed to optimize the economic value of forest stands and timber production over time. Within the planning decade, the harvest level in any given year can vary up to 25 percent (plus or minus) from this amount, but the decadal mean must be sustained over the decade. This ensures that timber harvesting continues into the future in a way that is fair to all generations of trust beneficiaries. The sustainable harvest level is recalculated each decade. However, DNR may recalculate the level more often to accommodate new legal, economic, and environmental considerations. One such consideration would be development of the long-term marbled murrelet conservation strategy, which may affect both harvest volumes and the placement of harvests on the landscape. Once the long-term strategy has been adopted, DNR will adjust the sustainable harvest level as necessary to meet the strategy's requirements (DNR 2006).

Figure 1.4.2. DNR’s Planning Process



The second stage in DNR’s planning process is called **tactical** because it involves determining how to implement and achieve DNR policies. At this stage, DNR may develop specific management strategies, maps, databases, models, or other items designed to achieve specific policy objectives. DNR may also develop comprehensive documents called forest land plans, through which DNR determines the best way to implement the full suite of DNR policies in a given planning unit. To date, DNR has completed forest land plans for the South Puget planning unit and the OESF planning unit.

Because they are based on DNR policies, forest land plans and other items developed at the tactical stage must be amended if those policies change. The long-term marbled murrelet conservation strategy may affect procedures, management strategies, and other key elements of DNR’s forest land plans. Such elements will be adjusted to the new long-term strategy as appropriate.

Site-specific activities such as individual timber sales are designed at the **operational** stage of planning using the guidance developed at the tactical stage. Management activities must comply with all applicable local, state, and federal laws as well as policies developed at the strategic stage.

Review under SEPA occurs at each stage of planning. Policies are evaluated at the strategic phase, forest land plans are reviewed at the tactical stage, and most site-specific projects or actions, such as individual timber sales, are evaluated at the operational stage as they are proposed.²¹

What is the time frame for the long-term strategy?

The long-term conservation strategy follows the timeline of the 1997 HCP, which runs to the year 2067. All analysis conducted in this DEIS considers 2015 as the starting point and 2067 as the ending point. Data is often presented in terms of the decade of the strategy (first decade through final decade) for comparison purposes.

Text Box 1.4.2

After a long-term strategy is adopted, will individual projects in the analysis area still be reviewed under SEPA, NEPA, and other laws?

Yes, unless they are exempt under state or federal law. As a non-project action under SEPA, the long-term conservation strategy is not site-specific. Supplemental review of site-specific projects such as timber sales, recreation site development, major leases, and easements will occur under SEPA (and if a federal project, under NEPA) and any other applicable local, state, or federal law.

■ What is in the other chapters of this DEIS?

Chapter 2, The Alternatives, describes the six alternatives in detail, with information about how the alternatives were developed, what conservation lands are being proposed under each alternative, conservation measures that apply to different forest management activities and land uses in the conservation areas, and data comparing the alternatives with one another.

Chapter 3, Affected Environment, describes elements of the natural and built environment likely to be affected by the alternatives are summarized and provides current conditions against which the DEIS will evaluate potential impacts from the alternatives.

Chapter 4, Environmental Consequences, analyzes the potential impacts from the different alternatives on the elements of the environment described in Chapter 3.

Chapter 5, Cumulative Effects, provides a synthesis of the potential cumulative effects of the alternatives and other activities, actions, and trends taking place within the analysis area.

Chapter 6, Literature Cited, identifies the materials and sources referred to throughout this DEIS.

Chapter 7, Key Definitions, presents terms used in this DEIS.

²¹ Some actions are exempt from SEPA review by statute or rule. Refer to RCW 43.21C.037, Exempting Class I, II, or III forest practices defined in WAC 222-16-050—includes pre-commercial thinning and tree planting; WAC 332-41-833, Exempting certain small timber sales; WAC 197-11-800, 830, SEPA categorical exemptions for minor activities.