

Chapter 1

INTRODUCTION

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Introduction

This chapter describes the proposed action and states the need and purpose of this proposal. This chapter also outlines the regulatory and policy framework for the marbled murrelet long-term conservation strategy, describes the analysis area, highlights the environmental impact statement and approval process, and describes what has changed from the 2018 revised draft environmental impact statement.

1.1 Proposed Action: Need and Purpose

The action proposed by Washington Department of Natural Resources (DNR) and U.S. Fish and Wildlife Service (USFWS) is to amend DNR's 1997 *State Trust Lands Habitat Conservation Plan* (1997 HCP) by replacing the marbled murrelet (*Brachyramphus marmoratus*) interim conservation strategy described in the 1997 HCP with a long-term conservation strategy. An amendment to the 1997 HCP and associated incidental take permit involves both state and federal action subject to the Washington State Environmental Policy Act (SEPA) and the National Environmental Policy Act (NEPA), respectively. This proposed action is considered a non-project action under SEPA. This SEPA/NEPA environmental impact statement (EIS) was prepared for the amendment due to the potential for probable significant adverse impacts on the environment.

■ Need for the Proposed Action

DNR

DNR needs to obtain long-term certainty for timber harvest and other management activities on forested state trust lands, consistent with commitments in the 1997 HCP and DNR's fiduciary responsibility to the trust beneficiaries as defined by law.

USFWS

USFWS' need is to fulfill its legal obligations under Section 10(a)(1)(B) of the Endangered Species Act in response to DNR's request to amend its incidental take permit for the marbled murrelet long-term conservation strategy.

■ Purpose of the Proposed Action

DNR

The purpose of the proposed action is to develop a long-term conservation strategy for marbled murrelets on forested state trust lands in DNR's six westside HCP planning units, subject to DNR's fiduciary responsibility to the trust beneficiaries as defined by law, 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 state trust lands that minimize and mitigate incidental take of marbled murrelets resulting from DNR's forest management activities. In accomplishing this objective, DNR expects 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 1997 HCP.

USFWS

USFWS' purposes are to ensure that Endangered Species Act permit issuance criteria are met; the amendment complies with all other applicable federal laws and regulations; and, consistent with USFWS' legal authorities, the incidental take permit and implementation of the 1997 HCP amendment achieve long-term species and ecosystem conservation objectives at ecologically appropriate scales.

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

- The take will be incidental (refer to Text Box 1.2.1).
- The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of such take.
- The applicant will ensure that adequate funding for the plan will be provided.
- The take will not appreciably reduce the likelihood of survival and recovery of the species in the wild.
- Other measures (if any) that the Secretary of the Interior may require as being necessary or appropriate for the purposes of the plan are implemented.

■ 1997 HCP

The proposed action is an amendment to the 1997 HCP and associated incidental take permit. The 1997 HCP is a long-term land management plan that is authorized under Section 10 of the Endangered Species Act and prepared in partnership with USFWS and National Marine Fisheries Service (the Federal Services)¹. The 1997 HCP describes how DNR meets the Endangered Species Act Section 10 issuance criteria with a suite of habitat conservation strategies focused on the northern spotted owl, marbled murrelet, salmon species, 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.

A long-term conservation strategy for the marbled murrelet would work in concert with other existing HCP conservation strategies (refer to Text Box 1.2.2). The objectives and approaches described in the riparian conservation strategy, northern spotted owl conservation strategy, and the protection of uncommon habitats would not change through this SEPA/NEPA planning process. Under some of the

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 when such modification actually kills or injures a listed species through impairment of essential behavior (for example, nesting or reproduction).

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).

¹ The environmental impacts of the 1997 HCP were analyzed in the [FEIS for the Habitat Conservation Plan \(merged FEIS\)](#) (DNR 1996).

alternatives analyzed in this final EIS (FEIS), 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 conservation 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. The contents of an HCP are defined in Section 10 of the Endangered Species Act and its implementing regulations and include the following:

- 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, and the funding that will be made available to implement such measures.
- Alternative actions to the take 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.

Text Box 1.2.2. Will the Long-Term Conservation Strategy Amend the Existing HCP Conservation Strategies?

The long-term conservation strategy focuses on marbled murrelet conservation and is intended to work with the existing conservation strategies of the 1997 HCP. Under some alternatives proposed in this FEIS, some existing, permitted activities may be modified at the local scale to enhance their conservation benefit for marbled murrelets.

■ State Trust Lands

By meeting the terms of the 1997 HCP and incidental take permits, DNR fulfills its obligations under the Endangered Species Act. 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 2006b, p. 15). Refer to the *Policy for Sustainable Forests* for a more detailed discussion of DNR’s trust management duties (DNR 2006b, p. 9 through 16).

For a more detailed explanation of the Endangered Species Act’s Section 10 process as it applies to this long-term conservation strategy, refer to Section 1.4.

This FEIS 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.

- **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 2006b). 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 and Technical College Forest Reserve (RCW 79.02.420):** In addition to the State Lands and State Forest Lands, DNR also manages more than 3,500 acres of forestlands for community and technical colleges. The Community and Technical College Forest Reserve was established by the Washington State Legislature (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 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 2006b) is DNR’s guiding set of policies for the management and stewardship of forested state trust lands. The *Policy for Sustainable Forests* describes DNR’s obligations for managing forestlands on behalf of the trusts (refer to “State Trust Lands” in the previous section), and establishes specific policies for 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 FEIS uses the *Policy for Sustainable Forests* to

establish criteria for the analysis of potential environmental consequences of the alternatives (Chapter 4). The multiple benefits of 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, social and cultural benefits, and implementation (DNR 2006b, p. 25 through 50).

Sustainable Harvest Level

The sustainable harvest level is approved by the board and establishes a sustainable level of timber to be scheduled for sale from state trust lands during a planning decade. The marbled murrelet long-term conservation strategy will have implications for the sustainable harvest level. An update to the level, which is currently being calculated, 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. Once the long-term conservation strategy has been adopted, DNR will adjust the sustainable harvest level as necessary to meet the strategy's requirements (DNR 2006b).

Old-growth Forests in Western Washington

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

■ 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. The Forest Practices Board adopts forest practices rules that implement the Forest Practices Act.

In 1999, the legislature directed the Forest Practices Board to amend the rules to be consistent with the April 1999 *Forests and Fish Report*. 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 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. In 2001, the Forest Practices Board amended the rules and in 2006, the Federal Services approved the programmatic *Forest Practices Habitat Conservation Plan* (Forest Practices HCP) and associated incidental take permits to conserve fish and seven amphibian species. The Forest Practices HCP provides Endangered Species Act coverage for forest landowners through the state's Forest Practices program.

Field staff in DNR's six regions administer and enforce the forest practices 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 practices rules apply to forest practices covered by the 1997 HCP. Forest practices activities on DNR-managed lands not covered by the 1997 HCP (some limited acreage in western Washington but mostly eastern Washington) obtain Endangered Species Act coverage through the Forest Practices HCP.

■ NEPA

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 Endangered Species Act by considering the impacts of a federal action not only on federally-listed fish and wildlife resources, but also on other aspects of the environment such as water quality, cultural resources, recreation, fish, wildlife, 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.

■ SEPA

Enacted by the Washington Legislature in 1971, SEPA is intended to ensure that environmental values are considered during decision-making by state and local agencies. SEPA directs state and local agencies to identify and evaluate probable impacts, alternatives, and mitigation measures, emphasizing important environmental impacts and alternatives, and to encourage public involvement in decisions.

■ Other Related Laws and Policies

DNR complies with all other applicable state and federal laws. Some examples include the state Shoreline Management Act, which is intended to protect valuable shoreline resources; and the state and federal Clean Water Act, which establish the basic structure for regulating discharges of pollutants into the waters of the United States. The state and federal Clean Air Acts 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. These lands also are included in the 1997 HCP as “permit lands.” **Natural area preserves** protect rare or vanishing flora, fauna, and geological, natural historical, or similar features of scientific or educational value. **Natural resources conservation areas** include areas with a high priority for conservation, natural systems, wildlife, significant geologic features, archaeological resources, or scenic attributes, and often provide public access. DNR actively manages natural areas to ensure control of invasive species and to restore native species. Natural area preserves and natural resources conservation areas are included in the long-term conservation strategy when they provide habitat and security to marbled murrelet habitat.

1.3 Analysis Area

The analysis area for this FEIS is all 1997 HCP-covered DNR-managed lands (approximately 1.38 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* (U.S. Department of Agriculture and U.S. Department of the Interior 1994) and is used by USFWS as an estimate of the inland range of the marbled murrelet in Washington.

The land within the 55-mile range totals over 16 million acres. DNR manages approximately 9 percent of this land. DNR organizes its habitat conservation by ecological units called “HCP planning units,” which include the OESF, Straits, South Coast, Columbia, North Puget, and South Puget. State trust lands

Figure 1.3.1. Analysis Area for the FEIS



managed under the 1997 HCP within these planning units are the areas where the 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.

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	16,060,000	
	Acres	Percent
US Forest Service, USFWS, and National Park Service land	4,170,000	26%
DNR-managed land	1,380,000	9%
Private and other	10,510,000	65%

1.4 EIS and Approval Process

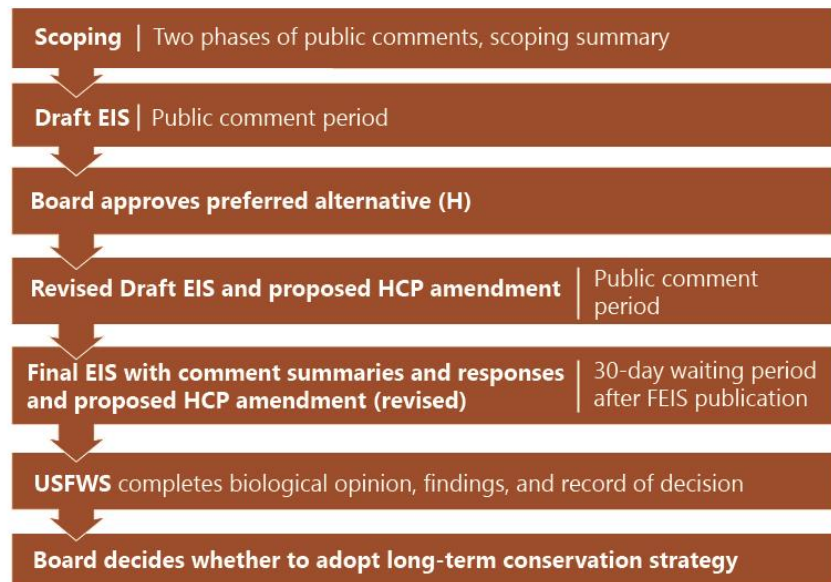
Figure 1.4.1 shows the steps of this project from scoping through final approval. Each of these steps is described in the following section.

■ 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.

Figure 1.4.1. EIS and Approval Process



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 conservation strategy, indicating that an EIS would be prepared. On that same date, USFWS, as a joint 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 the OESF, Straits, South Coast, and Columbia HCP planning units only.

After the public scoping notices were issued, DNR and USFWS (the Joint Agencies) held four public meetings at the following dates and locations in western Washington:

- **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 conservation strategy because of the economic downturn and resulting budget cuts.

2012 Project Resumption

In January 2012, the Joint Agencies resumed development of the EIS for the long-term conservation strategy 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, the Joint Agencies prepared a statement of need and purpose 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 2016 draft EIS (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, the Joint Agencies requested public comment related to the following: a proposed statement of need and purpose, range of alternatives, impacts that should be considered, and environmental information relevant for the analysis for the long-term 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 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 Region, Cathlamet County courthouse
- **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 approved the need and purpose statement for inclusion in the 2016 DEIS.

Subsequently, the Joint Agencies 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 for the public to learn about and provide input into the long-term conservation strategy process. In this second phase of scoping, the Joint Agencies sought public comment on a set of conceptual alternatives for the long-term conservation strategy. Public meetings were held on these dates in western Washington:

- **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 the Joint Agencies’ 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 through 2013 scoping, the Joint Agencies narrowed the scope of issues for consideration in the DEIS. Refer to Appendix A for the scoping report provided to the board.

2015 Public Comment

In addition to the formal scoping process, DNR presented draft alternatives to the board on 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

Following scoping, the Joint Agencies developed a set of management alternatives through a collaborative working process. The alternatives represent different management options to the Joint

Agencies' respective decision makers and reflect the ideas and concerns raised by the public and stakeholders during the entire scoping process.

The Joint Agencies then prepared the DEIS in 2016. The DEIS analyzed a reasonable range of alternatives to identify potential environmental impacts and mitigation measures under both NEPA and SEPA.

On December 9, 2016, a Federal Register "Notice of Availability" for the DEIS initiated a 90-day public comment period (81 FR 89135) in compliance with NEPA. Notice of availability under SEPA was issued on November 18, 2016. The DEIS analyzed six alternatives for a long-term conservation strategy for the marbled murrelet on DNR-managed lands. The DEIS did not specify a preferred alternative for the long-term conservation strategy.

The Joint Agencies received over 5,000 individual comments during this comment period. Comments came in the form of individual letters, form letters, postcards, and emails. Some commenters supported one of the alternatives analyzed, some suggested new alternatives, and others suggested changes to what was analyzed in the DEIS and what should be included in subsequent analysis. Refer to Appendix S for summaries of comments received on the DEIS and RDEIS and the Joint Agencies' responses to those comments.

■ Board Approval of Preferred Alternative

In August, 2017, the board directed DNR to develop and analyze a preferred alternative for the long-term conservation strategy. Per the board's direction, the preferred alternative should comply with the Endangered Species Act and 1997 HCP and achieve the following:

- Minimize impacts to murrelets by conserving all existing occupied sites, capturing existing habitat within conservation areas, and metering habitat in strategic locations;
- Offset impacts and address uncertainty by applying buffers on occupied sites, locating conservation areas in strategic locations, and increasing the amount of interior forest; and
- Reduce disproportionate financial impacts to trust beneficiaries.

The Joint Agencies developed the preferred alternative (H) based on this direction. The preferred alternative was adopted by the board at the November, 2017 board meeting.

■ Development of the RDEIS and Proposed HCP Amendment

Following the 90-day public comment period for the DEIS, the Joint Agencies reviewed and summarized the comments received. Based in part on comments received, the Joint Agencies decided to prepare an RDEIS instead of proceeding directly to an FEIS. The RDEIS was published in September 2018 and replaced the DEIS published in 2016.

A considerable portion of the text from the DEIS was used directly in the RDEIS. However, some key changes were made. For example, the purpose and need statements in Chapter 1 were separated by agency. Two new alternatives were added (G and H, the Joint Agencies' preferred alternative), and the document also included new and updated analysis. The conservation measures were updated and additional changes were made in response to comments on the DEIS. Finally, minor changes were made to the population viability analysis. Refer to Chapter 1 and Appendix O of the RDEIS for more information.

DNR also developed its proposed HCP amendment, which was based on the Joint Agencies' preferred alternative (H). The proposed HCP amendment was published as a separate document.

The 60-day comment period for the RDEIS and proposed HCP amendment began on September 7, 2018, when the RDEIS was formally issued. The comment period provided the public an opportunity to comment on the RDEIS and proposed HCP amendment. The comment period was extended for an additional 30 days and closed on December 6, 2018.

The Joint Agencies received approximately 4,300 individual comments during this comment period. Comments came in the form of individual letters, form letters, postcards, emails, and online through a Survey Monkey comment portal.

■ Development of the FEIS and Revision of the Proposed HCP Amendment

Following the public comment period for the RDEIS and proposed HCP amendment (90 days total), the Joint Agencies reviewed and summarized the comments received. The Joint Agencies then prepared responses to comments on the DEIS, RDEIS, and proposed amendment (refer to Appendix S) and developed the FEIS.

A considerable portion of the text from the RDEIS was used in this FEIS. Some data changes were made, some appendices were updated, and several new appendices were added. Refer to “Changes Made Between the RDEIS and FEIS” at the end of this chapter for more information.

DNR also revised its proposed HCP amendment, which is based on the Joint Agencies' preferred alternative (H). The proposed HCP amendment has been submitted to USFWS and is included as Appendix Q of this FEIS.

■ USFWS Decision Process Under NEPA and the Endangered Species Act

In order for USFWS to process and evaluate an application for a permit amendment under Section 10 (a)(2)(A) of the Endangered Species Act, DNR must specify the following:

- The impact that likely will result from the take.
- The steps DNR will implement to minimize and mitigate such impacts, and the funding that will be available to implement such steps.
- The alternative actions to such take DNR considered and the reasons why such alternatives are not being utilized.
- Other measures USFWS may require as being necessary or appropriate for purposes of the plan (amendment in this case).

If USFWS finds, after opportunity for public comment with respect to the permit amendment, that the following issuance criteria are met, an amendment will be approved.

- The take will be incidental.
- DNR will, to the maximum extent practicable, minimize and mitigate the impacts of such take.
- DNR will ensure that adequate funding for the amendment and procedures to deal with unforeseen circumstances will be provided.
- The take will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.
- Any measures required by USFWS will be implemented.

To conclusively determine that the permit amendment issuance criteria have been met, USFWS will need to make an independent Endangered Species Act Section 10 “findings” determination relative to the issuance criteria, and additionally, conduct an intra-USFWS consultation under Section 7(a)(2) of the Endangered Species Act. The Section 10 findings will be documented in a memorandum, and the Section 7 consultation will result in a biological opinion on the effects of issuing the permit amendment on the marbled murrelet and any other listed species and critical habitat that may be affected.

Along with the Section 10 findings and biological opinion, USFWS must complete the NEPA process by preparing a NEPA record of decision. The record of decision 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).

■ Board Decision on Adoption of the Long-term Conservation Strategy

What Happens if USFWS Approves DNR's Application?

If USFWS makes a final determination to approve DNR's application and issue an amended incidental take permit, the board will decide whether to accept the permit terms and conditions. Board approval is required to amend an existing, board-approved HCP (refer to Text Box 1.4.1). Although the final long-term conservation strategy may not be identical to any one particular alternative in this FEIS, it will be within the range of alternatives analyzed.

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, including tactical and operational decisions. An example of a policy is the *Policy for Sustainable Forests*. Amendment of the 1997 HCP and incidental take permits for the long-term conservation strategy both fall within the strategic level of planning. All of these policies require approval from the board.

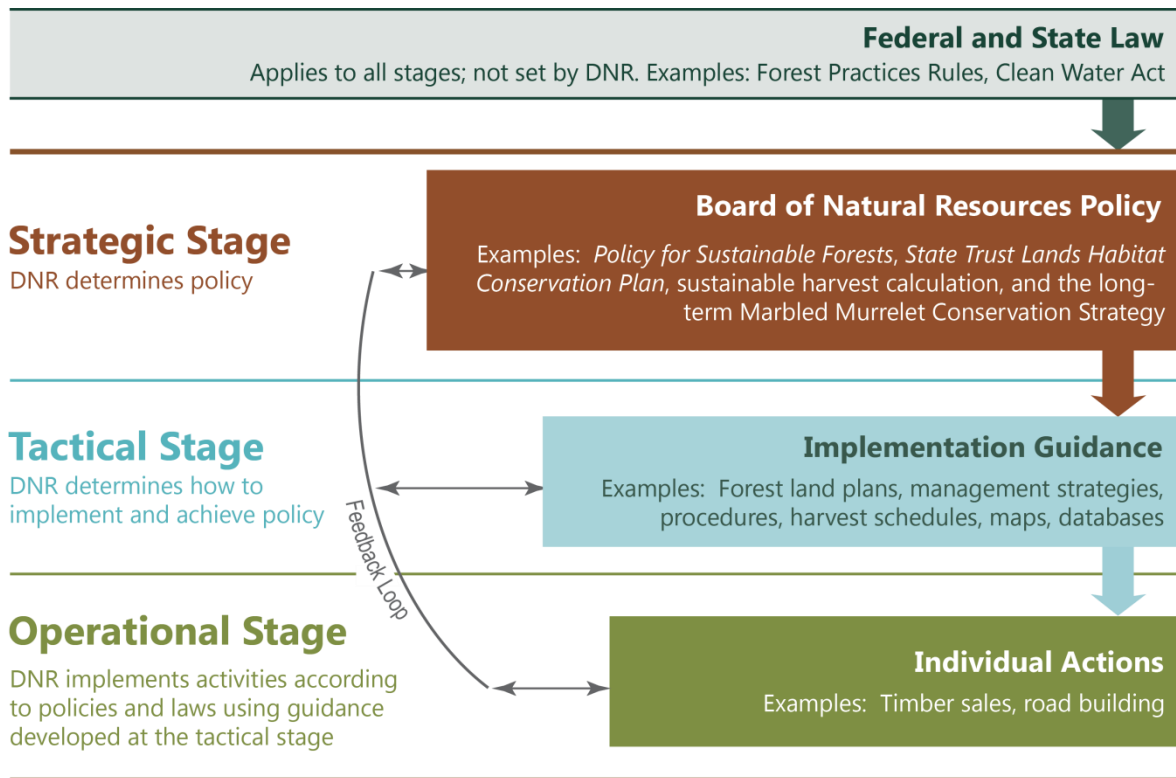
Another example of a strategic stage of planning is the sustainable harvest calculation. The sustainable harvest level establishes the volume of timber to be scheduled for sale from state trust lands during a planning decade. The sustainable harvest calculation policy has some flexibility designed to 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 the sustainable harvest level, but the decadal mean must be sustained over the decade. This requirement ensures that timber harvesting

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 forestlands, 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.

Figure 1.4.2. DNR's Planning Process



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.

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 also may 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 HCP planning unit (DNR 1997). To date, DNR has completed forest land plans for the South Puget and OESF HCP planning units.

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 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 conservation 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 (refer to Text Box 1.4.2).

Review under SEPA occurs at each stage of planning. Policies are evaluated at the strategic stage, 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.

What Is the Time Frame for the Long-term Conservation Strategy?

The long-term conservation strategy follows the timeline of the 1997 HCP, which runs to the year 2067. All analysis conducted in this FEIS considers January 2018 as the starting point and 2067 as the ending point. Data often is presented in terms of the decade of the strategy (Decade 0) [current conditions] through final decade) for comparison purposes.

Text Box 1.4.2. After a Long-Term Conservation Strategy Is Adopted, Will Individual Projects in the Analysis Area Still be Reviewed Under SEPA, NEPA, and Other Laws?

Yes, unless the project is exempt under state or federal law. 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.

■ Changes Between the RDEIS and the FEIS

The Joint Agencies made a number of changes to the FEIS based in part on comments received on the revised draft EIS (RDEIS).

- **Text changes:** Minor text edits were made throughout this FEIS and appendices for readability, clarity, and accuracy. Tables and charts were updated per data updates (described in the following bullet).
- **Data updates:** Forest inventory data that was outdated or missing was replaced with updated forest inventory data collected through remote sensing and field sampling plots. Also, a P-stage value of 0.36 was applied to acres identified by the Washington Department of Fish and Wildlife (WDFW) and USFWS where the P-stage model did not identify potential existing habitat or applied a lower P-stage value than thought appropriate based on expert opinion. Finally, mapping errors that had resulted in a number of small, harvested areas being assigned a P-stage value were corrected. Together, these three data updates reduced the acres of murrelet habitat in the analysis area by 4,590 acres. Refer to Appendix O for more information.
- **Impacts and mitigation computation:** For the computation of impacts (habitat loss), USFWS and DNR agreed to apply edge discounts to narrow areas of habitat harvested outside long-term forest cover. No changes were made to the computation of mitigation (habitat gain); however, a computational error that had resulted in edge discounts being applied twice instead of once was corrected. These changes increased the acres of mitigation and reduced the acres of impacts under all alternatives. As a result, special habitat areas under Alternative H were altered to achieve a closer balance between impacts and mitigation. Also, tables and figures that included these numbers were updated. Refer to Appendix O for more information.

- **Population viability analysis:** The population viability analysis model was rerun using the updated data. Refer to Chapter 4 for more information on the population viability analysis.
- **Number of occupied sites:** DNR changed its method of counting occupied sites within the analysis area. Sites that were contiguous were combined and counted as one site. This change did NOT affect the total number of acres of occupied sites that DNR will manage under the long-term conservation strategy. Refer to Appendix O for more information.
- **Taxing district analysis:** Appendix R was added to the FEIS. Appendix R summarizes potential impacts of the proposed HCP Amendment on DNR’s trust beneficiaries at the taxing district level in terms of the percent change in operable acres.
- **Environmental justice analysis:** An analysis of potential impacts to school districts that have high proportions of low-income or minority student enrollment was added to Chapter 4. Appendix U was added to provide detailed information on individual school districts.
- **Mitigation for natural disturbance:** Appendix T, which describes how DNR mitigates for natural disturbances, was added to the FEIS.
- **Conservation measures:** For the FEIS, minor clarifications were made to the conservation measures for Alternative H, the Joint Agencies’ preferred alternative.

■ What Is in the Other Chapters of this FEIS?

The other chapters of this FEIS include the following information:

- **Chapter 2**, “The Alternatives,” describes the 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 each other.
- **Chapter 3**, “Affected Environment,” describes elements of the natural and built environment likely to be affected by the alternatives and provides current conditions against which the FEIS 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 FEIS.
- **Chapter 7**, “Key Definitions,” defines terms used in this FEIS.