



Chapter 1

Background

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Background



In this chapter, DNR states the purpose, need, and objectives of this proposal. DNR also defines the analysis area and describes state trust lands, including the benefits these lands provide. In addition, DNR describes the development of this environmental impact statement.

Purpose, Need, and Objectives

Proposed Action

The action proposed by the Washington Department of Natural Resources (DNR) is to develop and implement a forest land plan for the management of state trust lands in the Olympic Experimental State Forest (OESF). A forest land plan is a document that defines, for a planning area such as the OESF, *what* DNR wishes to achieve and *how* it will achieve it. The proposed action includes the related tasks of updating existing procedures as needed and developing a new procedure for salvage of timber after natural disturbance events such as wind or fire.

The proposed forest land plan will be based on current DNR policies including the 1997 *Habitat Conservation Plan*¹ and 2006 *Policy for Sustainable Forests*² as well as all applicable local, state, and federal laws. The 1997 *Habitat Conservation Plan*, which is authorized under the Endangered Species Act (16

U.S.C. 1531 et seq.), is a long-term (at least 70 years) management plan to maintain and improve habitat for threatened and endangered as well as unlisted native species on state trust lands within the range of the northern spotted owl. The 2006 *Policy for Sustainable Forests* guides DNR’s stewardship of 2.1 million acres of forested state trust lands.

DNR cannot change its policies through this forest land planning process: DNR cannot propose, select, or implement any management approach, objective, or strategy that lies outside the direction of current DNR policies.

Purpose of the Proposed Action

The 1997 *Habitat Conservation Plan* includes an overview of DNR’s management approach for state trust lands in the OESF and a set of conservation strategies, each of which includes objectives that DNR must meet. The purpose of the proposed action is to **determine how to implement the management approach and conservation strategies for state trust lands in the OESF described in the 1997 *Habitat Conservation Plan* while also meeting DNR’s fiduciary responsibility to provide revenue to trust beneficiaries through the sale of timber.**

The proposed forest land plan will include DNR’s management approach, the objectives that DNR must meet, the management strategies that will be used to meet them, the harvest methods that DNR will use, and other information. It will *not* include site-specific designs for individual management activities such as building a segment of road or harvesting a certain stand of timber. Those activities are designed at a later stage of planning, as will be explained in Chapter 2 of this RDEIS.

DNR’s management approach for state trust lands in the OESF, as envisioned in the 1997 *Habitat Conservation Plan*, is integrated management. Integrated management is an experimental management approach based on the principle that a forested area can be managed to provide both revenue production (primarily through the harvesting of trees) and ecological values (such as biodiversity) across its width and breadth. The integrated management approach differs from the more common approach of dividing a forested area into large blocks that are managed for a single purpose, such as a nature preserve managed for ecological values or a commercial forest managed for revenue production. Integrated management will be discussed in detail in Chapter 2 of this RDEIS.

As DNR implements integrated management, it will simultaneously learn how to achieve integration more effectively. In addition to operational experience, DNR will learn through **research and monitoring**. DNR performs research and monitors management activities to gather information about natural systems and how they are affected by management. What DNR learns will be applied to future management through the **adaptive management process**.³ Adaptive management is a formal process for continually improving management practices by learning from the outcomes of operational and experimental approaches (Bunnell and Dunsworth 2009).

Need for the Proposed Action

DNR needs to develop a forest land plan to meet the policy direction in the 1997 *Habitat Conservation Plan* and the 2006 *Policy for Sustainable Forests*.

- The 1997 *Habitat Conservation Plan* states that “DNR expects landscape planning to be part of the process for implementing conservation strategies” in each *Habitat Conservation Plan* planning unit, including the OESF (DNR 1997, p. IV.192).
- The 2006 *Policy for Sustainable Forests* states that “[i]n implementing Board of Natural Resources policy, the department will develop forest land plans at geographic scales similar to DNR’s *Habitat Conservation Plan* planning units” (DNR 2006, p. 45).

Objectives

DNR’s objectives for managing state trust lands in the OESF are based on the 1997 *Habitat Conservation Plan* and the 2006 *Policy for Sustainable Forests*. **The forest land plan, and the final selected alternative on which it is based, must enable DNR to meet these objectives.** All of these objectives must be achieved in the context of the integrated management approach as described under “Purpose of the Proposed Action.”

- Provide a **sustainable flow of revenue** through the sale of timber. The current (2004–2014) sustainable harvest level for state trust lands in the OESF is 576 million board feet per decade, as approved by the Board of Natural Resources (Board) in 2007. By harvesting timber, DNR provides revenue to its trust beneficiaries to meet its fiduciary obligations (DNR 2006, p. 9 through 16).
- Per the requirements of the OESF **northern spotted owl conservation strategy** in the 1997 *Habitat Conservation Plan*, restore and maintain northern spotted owl habitat capable of supporting northern spotted owls on state trust lands in each of the 11 landscapes⁴ in the OESF by developing and implementing a forest land plan that does not appreciably reduce the chances for the survival and recovery of northern spotted owl sub-population on the Olympic Peninsula (DNR 1997, p. IV.86 through 106).
- Per the requirements of the OESF **riparian conservation strategy** in the 1997 *Habitat Conservation Plan*, “protect, maintain, and restore habitat capable of supporting viable populations of salmonid species as well as for other non-listed and candidate species that depend on in-stream and riparian environments” on state trust lands in the OESF (DNR 1997, p. IV.106 through 134).
- Per the requirements of the **multispecies conservation strategy** for state trust lands in the OESF, meet 1997 *Habitat Conservation Plan* objectives for unlisted species of fish, amphibians, birds, and mammals by implementing conservation strategies for riparian areas, northern spotted owls, and marbled murrelets and additional site-specific conservation measures in response to certain circumstances (DNR 1997, p. IV.134 through 143).
- Fulfill existing 1997 *Habitat Conservation Plan* obligations for marbled murrelets through guidance provided in the “Memorandum for Marbled Murrelet Management Within the Olympic Experimental State Forest,” dated March 7, 2013 until the long-term Marbled Murrelet Conservation Strategy for state trust lands in DNR’s six Western Washington habitat conservation planning units has been completed and adopted (a copy of this memorandum can be found in Appendix F).

- Implement a **research and monitoring program** for state trust lands in the OESF in the context of a structured, formal **adaptive management process** (DNR 1997, p. IV. 82 through 85).

DNR’s management approach and conservation strategies for state trust lands in the OESF will be described in more detail in Chapter 2, p. 2-4.

Analysis Area

In the 1997 *Habitat Conservation Plan*, DNR designated nine habitat conservation planning units within the range of the northern spotted owl in Washington. One of these units is the OESF. For simplicity, in this RDEIS “OESF habitat conservation planning unit” has been shortened to “OESF.”

Where Is the OESF?

The OESF is located in western Clallam and Jefferson counties on the Olympic Peninsula. It is bordered approximately by the Pacific Ocean to the west, the Strait of Juan de Fuca to the north, and the Olympic Mountains to the east and south (refer to Map 1-1⁵).

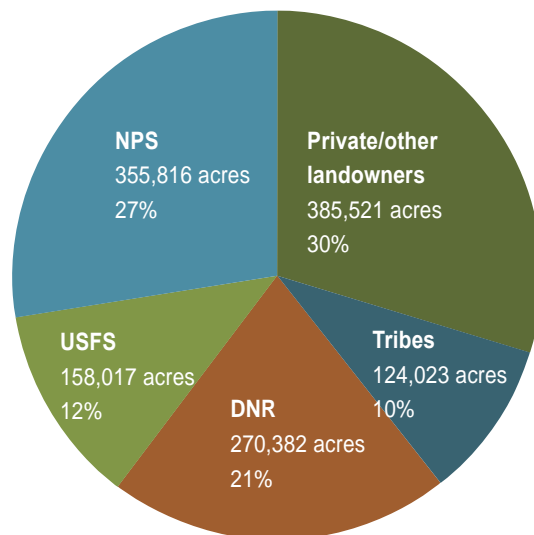
How Was the OESF Delineated?

The OESF was delineated by combining all or part of three water resource inventory areas: all of water resource inventory area 20 (Soleduck/Hoh) and portions of water resource inventory areas 19 (Lyre/Hoko) and 21 (Queets/Quinault). Water resource inventory areas are established by the Washington Department of Ecology (Ecology) and other state natural resources agencies for planning and managing the state’s major watersheds.

How Much of the OESF Does DNR Manage?

The OESF boundaries encompass lands managed by DNR as well as the United States Forest Service (USFS), National Park Service (NPS), private landowners (including timber companies), tribes, and others. DNR manages 21 percent, or 270,382 acres, of the approximately 1.3 million acres of the OESF (refer to Chart 1-1). That total includes 3,008 acres of natural resources conservation areas, 504 acres of natural area preserves,⁶ and 266,870 acres of state trust lands (refer to “What Are State Trust Lands?” later in

Chart 1-1. Land Ownership in the OESF



Map 1-1. OESF Vicinity Map



this chapter). In this RDEIS, the term “OESF” refers to the entire planning area, including lands owned and managed by other landowners.

Will the OESF Forest Land Plan Affect Other Landowners?

DNR’s proposed forest land plan will not affect the management of lands owned or managed by other landowners in the OESF. **DNR’s forest land plan applies *only* to the management of state trust lands located within the OESF boundaries.**

State Trust Lands

What Are State Trust Lands?

In this RDEIS, when DNR uses the term state trust lands, DNR is referring to both State lands and State forest lands in the OESF.

- **State lands** (RCW 79.02.010(14)): Shortly before Washington became a state in 1889, Congress passed the Enabling Act (25 U.S. Statutes at Large, c 180 p 676) to grant the territory more than 3 million acres of land as a source of financial support, primarily for its 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)): Other lands were acquired by Washington from the counties. By the 1930s, counties had acquired 618,000 acres of foreclosed, tax-delinquent, cut-over, and abandoned forestlands. These scattered lands were difficult for the counties to manage, so the Washington State Legislature directed the counties to deed them to the state. The legislature directed that these lands be held and managed in trust, the same as State lands. These lands are called State forest lands.

State trust lands are held as fiduciary trusts to provide revenue to specific trust beneficiaries. Of the current 5 million acres of state trust lands statewide, roughly 2 million are forested and 1 million are in agricultural production. The remaining 2 million acres are aquatic lands. Refer to Appendix A (draft forest land plan), Chapter 1 for a list of trust beneficiaries and a map showing the location of trust assets in the OESF.

What Is a Trust?

A trust is a relationship in which a person (or entity), the trustee, holds title to property that must be kept or used for the benefit of another, the beneficiary. According to the 2006 *Policy for Sustainable Forests*, a trust includes a grantor (the entity establishing the trust, such as the federal government), a trustee (the entity holding the title), one or more trust

beneficiaries (entities receiving the benefits from the assets), and trust assets (the property kept or used for the benefit of the beneficiaries). The State of Washington is the trustee of state trust lands and DNR is the trust land manager.

What Is the Trust Mandate?

The 1984 landmark decision *County of Skamania v. State of Washington* addressed two key trustee duties, commonly referred to as the trust mandate.⁷ The Washington Supreme Court stated that 1) a trustee must act with undivided loyalty to the trust beneficiaries to the exclusion of all other interests, and 2) a state's duty as trustee is to manage trust assets prudently (DNR 2006, p. 15).

The Washington State Legislature requires the Board and DNR (as the trust land manager) to establish policies to ensure that, based on sound principles, trust assets are managed for sustainable benefit to the trusts in perpetuity. Refer to the 2006 *Policy for Sustainable Forests*, p. 9 through 16, for a description of DNR's trust management duties.

What Are the Benefits of State Trust Lands?

Economic Benefits

Statewide, millions of dollars in trust revenue are generated for trust beneficiaries each year. DNR earns income from harvesting timber and leasing land for agriculture, communication sites, wind farms, and a few commercial properties. Between 1970 and 2010, the management of state trust lands earned more than \$7.3 billion in trust revenue—funds that did not come from taxpayers. Of this amount, approximately 85 percent came from timber harvesting on state trust lands.



Management of state trust lands also supports local economies indirectly by supplying jobs in the forestry, agricultural, and recreation sectors, and by generating related economic benefits in nearby communities. Some niche industries depend on products from state trust lands.

The supply of wood from state trust lands helps maintain a viable local timber industry by providing a steady supply of timber to local mills. Moreover, forest management practices in Washington follow strict environmental protections, so the local use of wood products from these lands may reduce the import of wood from forests outside Washington that may not be managed sustainably or that do not meet the state's high standards.

Ecological Benefits

By managing state trust lands sustainably as working forests, DNR creates an environment that benefits the people of Washington. Sustainably-managed working forests provide benefits such as clean water and air and diverse habitats for wildlife species.

In 1997, the Board approved a multi-species *Habitat Conservation Plan* for state trust lands to enable DNR to provide a continuous generation of revenue to the trust beneficiaries while also providing habitat for species listed under the federal Endangered Species Act (16 U.S.C. 1531 et seq.).

Social Benefits

The state Multiple Use Act (70.10 RCW) permits multiple uses of public lands, including forested state trust lands and aquatic lands (79.02.010(11)). Statewide, recreational activities are generally dispersed across these forested landscapes and may be supported by developed facilities such as campgrounds, boat ramps, trailheads, and trails. Recreational activities may include hiking, horseback riding, and trail riding using both motorized and non-motorized vehicles. Statewide, outdoor recreationalists make more than 11 million visits annually to state trust lands.

Cultural Benefits

State trust lands contain many historic, archaeological, and cultural sites. Existing DNR policies protect and preserve these sites.

In the event that proposed management activities may affect sites of significance to tribes, DNR consults with affected tribes through government-to-government consultation and notification to ensure avoidance and protection of areas of cultural significance. DNR relies on tribes to review and provide input for land use applications to ensure that areas of cultural significance are not disturbed. DNR and the tribes are committed to open dialogue when culturally sensitive areas are involved in management decisions.

Environmental Impact Statement Development

What Were the Preliminary Steps?

In August 2007, DNR issued a “Determination of Significance and Request for Comments on Scope of Environmental Impact Statement for the Development of a Forest Land Plan for the Olympic Experimental State Forest.” This document determined that an environmental impact statement (EIS) would be required under the State Environmental Policy Act (SEPA) (43.21C RCW). Per SEPA, an EIS is required for a non-project action such as a forest land plan when that plan

The Role of SEPA

The intent behind SEPA is to ensure that environmental values are considered during decision-making by state and local agencies (Ecology 1998).

has the potential to have probable significant adverse environmental impacts. A non-project action is a plan, procedure, or policy that is not site-specific but provides direction for on-the-ground implementation. Non-project actions⁸ include the adoption of plans, policies, programs, or regulations that contain standards controlling the use of the environment, or that regulate or guide future on-the-ground actions (WAC 197-11-704(2)(b)).

DNR held three public workshops (one each in Forks, Port Angeles, and Port Hadlock, Washington) in June 2007 to discuss the proposed forest land plan. Public notices and press releases invited interested people to attend these workshops. In addition, personal invitations were sent to individuals and organizations interested in state trust lands management decisions. These stakeholders included recreation groups, environmental organizations, representatives of the timber industry and local communities, and trust beneficiaries.

About 50 people participated in these workshops. The attendees offered local information and expressed their concerns about state trust lands in the OESF. Participants listened to a presentation on the preliminary stages of planning and then shared information with DNR. Participants also discussed how they use the forest and presented their ideas about forest management activities in specific areas.

Project Scoping

DNR initiated the scoping process—defining the issues to be discussed in the EIS—in August 2007 by holding three public meetings. Like the public workshops, these meetings were held in Forks, Port Angeles, and Port Hadlock. During these meetings, DNR heard comments regarding its management of state trust lands from concerned citizens and organizations. Their comments captured diverse and sometimes conflicting opinions and ideas. The comments were summarized by subject, and responses were provided in August 2009 (refer to Appendix B). DNR’s professional judgment and careful review of the comments helped DNR focus the environmental analysis on areas of concern, eliminate less significant impacts from detailed environmental study, and identify reasonable management alternatives to be analyzed in the EIS. The opportunity to comment during the scoping process helped promote public interaction.

Draft EIS (DEIS)

Once scoping was completed, DNR prepared a draft EIS (DEIS). In this document, DNR analyzed each alternative to identify potential probable, significant, and adverse environmental impacts. As part of this analysis, DNR also identified mitigation. DNR submitted the DEIS for comments from June 1, 2010 to July 15, 2010. Public hearings were held on June 16 in Port Angeles and June 17 in Forks.

Revised Draft EIS (RDEIS) and Draft OESF Forest Land Plan

Because of comments received on readability and other issues, DNR decided to revise the DEIS to make it easier to read and understand and publish it as an RDEIS. This RDEIS is a stand-alone document that replaces the DEIS.

As part of this process, DNR developed a draft forest land plan for the OESF (refer to Appendix A). The draft plan, which implements the Landscape Alternative, is provided to help the reader understand what a forest land plan is. Refer to Chapter 2, p. 2-12 for a description of the alternatives that are being considered in this RDEIS.

What Are the Next Steps?

The comment period begins when the RDEIS is released. The comment period gives the public a chance to comment on the RDEIS and draft forest land plan. After the comment period, DNR will prepare a Final EIS (FEIS).

Once the FEIS is published, DNR's decision maker will select a final alternative or combine elements of both alternatives. While the final selected alternative may not be identical to any one alternative presented in the FEIS, it will be within the range analyzed.

The final step is to develop a final forest land plan based on the selected alternative. Once the forest land plan has been completed, it will be provided to the DNR decision maker for adoption.

Who Is the Decision Maker?

The Deputy Supervisor for Uplands is the decision maker. The Deputy Supervisor is responsible for selecting a final alternative. To make this decision, the Deputy Supervisor will consider the potential environmental impacts of the alternatives; the ability of the alternatives to meet DNR's purpose, need, and objectives as described in the FEIS; and potential financial impacts to the trusts. The decision will be made with input from DNR staff and consultation with the Commissioner of Public Lands. The Deputy Supervisor is also responsible for adopting the final forest land plan.

Endnotes

1. http://www.dnr.wa.gov/ResearchScience/Topics/TrustLandsHCP/Pages/Im_hcp_trust_land_report.aspx
2. http://www.dnr.wa.gov/ResearchScience/Topics/StateTrustLandsForestManagement/Pages/policy_for_sustainable_forests.aspx
3. Adaptive management is referred to as "systematic application of knowledge gained" in the 1997 *Habitat Conservation Plan*.
4. A landscape is an administrative designation; refer to Chapter 3 for more information.
5. Refer to State Trust Lands map (http://www.dnr.wa.gov/Publications/eng_rms_trustlands_map_nu2.pdf) for lands held in trust to support specific beneficiaries.
6. Natural resources conservation areas often include significant native ecosystems and geologic features, archaeological resources or scenic attributes. Natural area preserves protect the highest quality native ecosystems and generally host more sensitive or rare species.
7. The 2006 *Policy for Sustainable Forests* contains a succinct discussion of the trust mandate and common law duties of a trustee as interpreted by DNR and approved by the Board.
8. Future management actions depend, in part, on the decisions made during this planning process, but no specific on-the-ground activities are designed as part of this process.