



DEPARTMENT OF
NATURAL RESOURCES

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November 21, 2024

Notice of Final Determination

SEPA File No. 24-102901

FPA No. 2618483

Agreement No. 30-106773

Timber Sale: Maladjusted

The Department of Natural Resources issued Determination of Non-significance (DNS), Mitigated Determination of Non-significance (MDNS), Modified DNS/MDNS on **October 29, 2024** for this proposal under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2).

This threshold determination is hereby:

Retained.

Modified. Modifications to this threshold determination include the following:

Withdrawn. This threshold determination has been withdrawn due to the following:

Delayed. A final threshold determination has been delayed due to the following:

Summary of Comments and Responses (if applicable):

See attached.

Responsible Official:

Position/title:

Address:

Phone:

Jill DeCianne

Assistant Region Manager- Business and Operations

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(360) 374-2800

Date: 11/25/2024

Signature: Jill DeCianne

There is no DNR administrative SEPA appeal.

The Department received comments from the Legacy Forest Defense Coalition, and a number of form letters both original and modified by the commentors regarding the Maladjusted timber sale proposal. The Department prepared the below response to address the concerns in these comments:

The Department received comments regarding the Maladjusted timber sale. The Maladjusted timber sale is consistent with all the applicable laws, rules, policies and procedures, including the Habitat Conservation Plan (HCP) and Policy for Sustainable Forests (PSF).

Comment – Managing structurally complex forests across 10 to 15 percent of the Straits planning unit

Response

The stands contained within this proposal are representative of those found within this landscape and have experienced logging activity prior to stand initiation. Regarding your comments related to older forest thresholds, DNR implements practices to achieve older forest structure (not old growth) across 10-15% of the Straits HCP Planning Unit over the next 70-100 years. Stands designated to meet this goal include old growth stands and structurally complex forests located in designated natural resource conservation areas, natural area preserves, special ecological management areas such as Marbled Murrelet habitat areas, Northern Spotted Owl habitat areas, riparian and wetlands management zones, areas of potentially unstable slopes, gene pool reserves, etc. The Straits Planning Unit is on track to meet at least 10% older forest within conservation areas by 2090 as stated in the Landscape Assessments to Identify and Manage Structurally Complex Stands to Meet Older-Forest Targets in Western Washington, May 2024 (revised September 2024), attached. Other areas not designated to meet this goal, like the stands in this proposal, are available for timber harvest consistent with previously mentioned policies and BNR approved sustainable harvest levels. The stands contained in the Maladjusted timber sale area are not identified as one of the stands designated to meet older forest targets in the Straits HCP Planning Unit.

As described in the SEPA checklist, 58.9 acres immediately adjacent to the proposed harvest are being retained for wildlife areas, riparian, wetland, and unstable slopes protection; this is the same stand type as the proposed harvest area. This includes 7.7 acres of clumped leaf tree areas. These clumped leaf tree areas were selected with an emphasis on preserving areas representing diverse native species that will contribute to future stand structure, wildlife habitat, and biodiversity. These areas of future conservation within the proposal area comprise approximately 34% of the total area evaluated for harvest that will be deferred from harvest and will contribute to the older forest thresholds and maintain habitat connectivity.

The comments received on this proposal do not raise new concerns, or substantive concerns specific to the Maladjusted Timber Sale that have not been previously raised in prior comment letters and responded to by DNR. In prior responses, DNR has explained its policy to protect old growth, its procedure to identify and manage structurally complex forest, its obligations under the 1997 HCP, and the 2006 Policy for Sustainable Forests.

Additionally, DNR staff provided information to the Board of Natural Resources in a series of Board meetings in 2023 and 2024 to address concerns about the amount of structurally complex forests that is expected to be on the DNR-managed landscape at the termination of the 1997 HCP, fifty years in the future. The Maladjusted Timber Sale was designed to be consistent with DNR's management framework (WAC 332-41-665(1)(f)). The harvest was designed in accordance with DNR's Habitat Conservation Plan and Policy for Sustainable Forests. While comments express disagreement with that framework, it does not identify a probable, significant, adverse environmental impact which was not analyzed in the environmental impact statements for the programmatic decisions or an inadequacy in the SEPA checklist prepared for the Maladjusted Timber Sale. The Maladjusted Timber Sale is located in lands available for harvest.

Comment – Impact to Wildlife

Response

Since 1997, DNR has managed its forests in compliance with a Habitat Conservation Plan that has resulted in approximately 48% of its lands being permanently deferred from harvest to protect endangered species and develop critical habitat where it is needed the most. DNR's HCP is a landscape level, legally binding agreement between DNR and the US Fish and Wildlife Service (USFWS), regarding how to best protect critical fish and wildlife habitat while also allowing for timber harvest and other land management activities. Managing trust lands in this way supports climate resilience, supports the needs of threatened and endangered species while simultaneously providing revenue for trust beneficiaries. All of our designated marbled murrelet and northern spotted owl habitat areas are defined and maintained under this agreement. Under the HCP, stream and wetland buffers, leave tree requirements, and sensitive habitat protection are beyond what is required by Forest Practices, and are designed to promote functional wildlife corridors and habitat connectivity for all fish and wildlife species native to Washington. In Western Washington, protection and restoration of riparian acreage and function on forested state trust lands is an integral part of DNR's HCP. The objectives of the HCP's riparian strategy are to 1) maintain or restore salmonid freshwater habitat on DNR-managed lands, and 2) contribute to the conservation of other aquatic and riparian obligate species. To meet these objectives, the HCP requires establishment of riparian management zones, including wetland management zones, and provides protection measures that exceed the requirements of the state forest practices rules.