



**DEPARTMENT OF
NATURAL RESOURCES**

PACIFIC CASCADE REGION

601 BOND ROAD
PO BOX 280
CASTLE ROCK, WA 98611

375-577-2025

TRS 711

PACIFIC-CASCADE.REGION@DNR.WA.GOV
WWW.DNR.WA.GOV

6/26/2024

Notice of Final Determination

Penny Pincher VRH Thin Timber Sale, App. No. 30-105955

SEPA File No. 24-060404

FP No. 2942437

The Department of Natural Resources issued a Determination of Non-significance (DNS), Mitigated Determination of Non-significance (MDNS), Modified DNS/MDNS on 6/4/2024 for this proposal under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2).

This determination is hereby:

Retained.

Modified. Modifications to this proposal include the following:

Withdrawn. This proposal has been withdrawn due to the following:

Delayed. A Final Determination has been delayed due to the following:

Responsible Official: Scott Sargent

Position/title: Pacific Cascade Region Manager Phone: (360) 577-2025

Address: P.O. Box 280 Castle Rock, WA 98611

Date: 6/26/2024

Signature: Scott Sargent

Summary of Comments and Responses (if applicable):

Informational Comment Summary:

Squaxin Island Tribe – Project is outside their traditional area, no need for further consultation.

Specific Comment Summary:

Center for Sustainable Economy & Legacy Forest Defense Coalition – Comments on the King County Superior Court's decision regarding the Wishbone timber sale, Departments analyses of the impacts of

the timber sales program on global climate change, Greenhouse Gas (GHG) emissions, the role of the Penny Pincher VRH Thin sale area on mitigating for climate change, and analyses of alternatives.

Response:

Thank you for your comments. While we are aware of the King County Superior Court's decision regarding the Wishbone timber sale, we will be pursuing an appeal of it. The Department believes that its analyses of the impacts of the timber sales program on global climate change, Greenhouse Gas (GHG) emissions, the role of the Penny Pincher VRH Thin sale area on mitigating for climate change, and analyses of alternatives have been adequately addressed in the final environmental impact statement (FEIS) for the 2015-2024 Sustainable Harvest Calculation and the FEIS for the 2019 HCP Long-Term Conservation Strategy for the Marbled Murrelet. This is because these analyses considered these impacts with the area including the Penny Pincher VRH Thin timber sale as included in being available for the full management suite of harvest activities, including variable retention harvest. Sustainable forestry remains consistent with the legislature's express policies for limiting greenhouse gas emissions in Washington. RCW 70A.45.005 and .090.

This sale, Penny Pincher VRH Thin, was also included in the western Washington analyses for the development of the FEIS for the 2015-2024 Sustainable Harvest Calculation and the FEIS for the 2019 HCP Long-Term Conservation Strategy for the Marbled Murrelet, and, therefore, has already been included in the aforementioned analyses.

As for alternatives to the proposal, please understand that the purpose of the proposal is to generate revenue for the institutional beneficiaries of the lands at issue in this sale. Making the trusts productive is one of DNR's responsibilities as a trust manager, and DNR's statutes include directives to harvest timber in accordance with its sustainable harvest level. RCW 79.10.340. This timber sale implements in part this statutory directive, and alternatives such as thinning or partial cutting, or not cutting at all what is currently proposed for harvest inherently produce less revenue than DNR's current proposal. The Department has proposed and implemented substantial mitigation measures as part of its development of this site, including providing protections to riparian and wetland areas that far exceed Forest Practices minimums, as well as green retention trees within the extent of the harvest boundaries which together with the riparian and wetland protections amount to 69 acres. Mitigating measures are properly considered as alternatives in SEPA, and properly considered as part of the threshold determination process. WAC 197-11-792(2)(b); -786; 330(1)(c); and 197-11-350(1).

Finally, this land has been in forest production for over one hundred years. After the timber sale is completed, the site will be planted and naturally forested, and will remain available to the spectrum of multiple uses identified in RCW 79.10.120. The timber on this site is a renewable resource, consistent with DNR's sustainable forest management under RCW 79.10.300-.340. Thus, the other uses of the site in RCW 79.10.120 will not be precluded in the future, except for the relatively short period of time where timber harvest operations occur. Additionally, there are no other, competing proposals for use of the timber sale site. DNR therefore believes that the sale does not present unresolved conflicts concerning alternative uses of available resources per RCW 43.21C.030(2)(e).

Center for Responsible Forestry – Comments on the Jefferson County Superior Court ruling regarding the Penny Pincher VRH Thin timber sale, mitigating for climate change, climate change, GHG emissions, the role of Penny Pincher VRH Thin timber sale area on mitigating for climate change, and analyses of alternatives.

Response:

Thank you for your comments. While we are aware of the Jefferson County Superior Court ruling you reference, this ruling was issued before the climate impacts were included in SEPA checklists for timber sales. The Department believes that its analyses of the impacts of the timber sales program on global climate change, GHG emissions, the role of the Penny Pincher VRH Thin sale area on mitigating for climate change, and analyses of alternatives have been adequately addressed in the final environmental impact statement (FEIS) for the 2015-2024 Sustainable Harvest Calculation and the FEIS for the 2019 HCP Long-Term Conservation Strategy for the Marbled Murrelet. This is because these analyses considered these impacts with the area including the Penny Pincher VRH Thin timber sale as included in being available for the full management suite of harvest activities, including variable retention harvest. Sustainable forestry remains consistent with the legislature's express policies for limiting greenhouse gas emissions in Washington. RCW 70A.45.005 and .090.

This sale, Penny Pincher VRH Thin, was also included in the western Washington analyses for the development of the FEIS for the 2015-2024 Sustainable Harvest Calculation and the FEIS for the 2019 HCP Long-Term Conservation Strategy for the Marbled Murrelet, and, therefore, has already been included in the aforementioned analyses.

As for alternatives to the proposal, please understand that the purpose of the proposal is to generate revenue for the institutional beneficiaries of the lands at issue in this sale. Making the trusts productive is one of DNR's responsibilities as a trust manager, and DNR's statutes include directives to harvest timber in accordance with its sustainable harvest level. RCW 79.10.340. This timber sale implements in part this statutory directive, and alternatives such as thinning or partial cutting, or not cutting at all what is currently proposed for harvest inherently produce less revenue than DNR's current proposal. The Department has proposed and implemented substantial mitigation measures as part of its development of this site, including providing protections to riparian and wetland areas that far exceed Forest Practices minimums, as well as green retention trees within the extent of the harvest boundaries which together with the riparian and wetland protections amount to 64 acres. Mitigating measures are properly considered as alternatives in SEPA, and properly considered as part of the threshold determination process. WAC 197-11-792(2)(b); -786; 330(1)(c); and 197-11-350(1).

Finally, this land has been in forest production for over one hundred years. After the timber sale is completed, the site will be planted and naturally forested, and will remain available to the spectrum of multiple uses identified in RCW 79.10.120. The timber on this site is a renewable resource, consistent with DNR's sustainable forest management under RCW 79.10.300-.340. Thus, the other uses of the site in RCW 79.10.120 will not be precluded in the future, except for the relatively short period of time where timber harvest operations occur. Additionally, there are no other, competing proposals for use of

the timber sale site. DNR therefore believes that the sale does not present unresolved conflicts concerning alternative uses of available resources per RCW 43.21C.030(2)(e).