



**Notice of Public Meetings and  
Request for Comments on the Scope of an Environmental Impact Statement (EIS)  
Under the State Environmental Policy Act (SEPA)**

**Description of proposal:** Long-term Conservation Strategy for the Marbled Murrelet  
Phase Two of Scoping  
Please see attached Conceptual Alternatives for Phase Two of Scoping

The proposal is to amend the Department of Natural Resources 1997 State Trust Lands Habitat Conservation Plan (State Trust Lands HCP) to include a long-term conservation strategy for the marbled murrelet. This proposal was not included at the time of adoption of the State Trust Lands HCP because the plan provided only an interim conservation strategy for the marbled murrelet. The interim strategy was to remain in place until more scientific information could be collected on habitat on state lands and the marbled murrelet's biological needs to make the development of a long-term conservation strategy possible. **At this stage in planning, the proposal for a long-term conservation strategy is described as a set of alternative concepts, including a no-action concept, which can be found in the attached document "Conceptual Alternatives."** The concepts include three distinct conservation approaches to a long-term marbled murrelet conservation strategy, each of which must be consistent with the need, purpose and objectives approved by the Board of Natural Resources (the Board) and US Fish and Wildlife Service (USFWS), which can be found in the attached document, "Need, Purpose and Objectives for the Marbled Murrelet Conservation Strategy." The no-action concept reflects what would occur if DNR did not adopt a long-term marbled murrelet conservation strategy.

**Proponent:** Washington Department of Natural Resources (DNR)

**Location of proposal:** Six Westside Planning Units (land in range of the marbled murrelet in Clallam, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum, and Whatcom Counties) of DNR's Trust Lands Habitat Conservation Plan

**Joint Lead Agencies:** Washington Department of Natural Resources  
United States Fish and Wildlife Service (USFWS)

**Deadline for comments:** Monday, July 1, 2013 by 5:00 pm

**Current and Prior Scoping Details:**

On April 20, 2012, USFWS issued a federal Notice of Intent to conduct scoping (Federal Register Vol. 77, No. 77) and DNR issued a Public Scoping Notice requesting public comment related to a proposed statement of Need, Purpose and Objectives for the long-term conservation strategy. Public meetings were held and comments were received by both agencies. At the August 7, 2012 Board of Natural Resources meeting, the Board and USFWS approved the need, purpose and objectives for adoption in the draft environmental impact statement (EIS). This is the second phase of public scoping, in which DNR seeks public comment on the environmental review needed for the Conceptual Alternatives.

## Areas for Public Comment:

A preferred alternative has not been developed at this stage of environmental review, nor are the Conceptual Alternatives necessarily the alternatives that will be analyzed in the Draft Environmental Impact Statement. Public comments on the Conceptual Alternatives during this final phase of scoping will assist the Joint Lead Agencies in focusing on environmental issues of concern, assessing needed information, and other considerations related to developing alternatives for the draft EIS. Please consider and comment on any key issues related to the marbled murrelet conservation strategy. Comments may address the following topics:

1. Environmental issues that should be addressed based upon the Conceptual Alternatives;
2. Any additional conceptual alternatives meeting the NPO that the Joint Lead Agencies should consider;
3. Issues to consider in developing alternatives;
4. Impacts to elements of the natural and built environment resulting from the Conceptual Alternatives or other alternatives identified that the Joint Lead Agencies should evaluate;
5. Specific mitigation measures that Joint Lead Agencies should consider to address identified issues or impacts;
6. Identification of additional environmental information, studies, or reports relevant to the development of the proposal.

The public comment period for scoping will close by July 1, 2013. Additional public meetings will occur following the issuance of the draft EIS.

## Background Information:

The proposal is a non-project action for purposes of SEPA, which means it involves a decision on a policy, plan or program rather than a specific project. In this case, the non-project proposal will include policy and planning decisions pertaining to an existing habitat conservation plan previously approved by the Board of Natural Resources and two federal agencies; the United States Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). The existing plan is called the Department of Natural Resources State Trust Lands Habitat Conservation Plan 1997 (State Trust Lands HCP), which can be found at [http://www.dnr.wa.gov/ResearchScience/Topics/TrustLandsHCP/Pages/lm\\_hcp\\_trust\\_land\\_report.aspx](http://www.dnr.wa.gov/ResearchScience/Topics/TrustLandsHCP/Pages/lm_hcp_trust_land_report.aspx).

Only the portion of the plan relating to the marbled murrelet will be addressed in the proposal. When conducting non-project environmental review, an agency is encouraged to describe a proposal in terms of alternative means of accomplishing stated objectives, to allow for meaningful review of choices amongst possible alternatives. Additionally, site specific analyses are not required when evaluating a broad scale plan such as the HCP. The EIS will include a thorough analysis, based on sound science of the environmental impacts of reasonable alternatives.

Due to the fact that the State Trust Lands HCP was adopted following the completion of a prior EIS issued jointly by DNR, USFWS, and NMFS, some environmental analysis is available for purposes of considering this proposal. However the HCP did not include a long-term conservation strategy for the marbled murrelet. New information will need to be identified and additional analyses will need to be completed.

The DNR State Trust Lands HCP covers a number of species listed as endangered or threatened under the federal Endangered Species Act of 1973 (ESA 7 U.S.C. § 136, 16 U.S.C. § 1531 et seq.) The resulting incidental take permit (ITP), which was issued by USFWS and NMFS in 1997, acknowledged coverage for

DNR's land management activities and permitted incidental take of marbled murrelet associated with an "Interim Conservation Strategy" described in the State Trust Lands HCP, pursuant to requirements of the ESA related to the approval of a proposed habitat conservation plan. The Interim Conservation Strategy was adopted because inadequate information was available to develop a credible long-term strategy for the habitat of the marbled murrelet at the time of the HCP's development. Hence, it was primarily designed for two purposes, 1) to collect data about habitat on state lands managed by DNR and its significance for the marbled murrelet, and 2) defer from harvest land containing what was believed to be important high quality habitat until a long-term strategy was developed.

Also in 1997, DNR, USFWS, and NMFS entered into an Implementation Agreement (IA) for the State Trust Lands HCP, which reflects the manner in which implementation issues are addressed and helps to define the scope and coverage of the HCP. The IA also confirms which lands are included, and covers most forested trust lands managed by DNR within the range of the northern spotted owl, as well as certain Natural Area Preserves and Natural Resource Conservation Areas designated as important for achieving the commitments of the HCP. These lands are generally referred to as DNR-managed lands and are depicted on maps appended to the HCP with boundaries drawn around "Planning Units" for further geographic delineation. The Interim Conservation Strategy for the marbled murrelet did not cover all DNR-managed lands within all HCP planning units, but was limited to the six Westside planning units, which were generally identified to be those lands within the range of the murrelet. Likewise, the long-term conservation strategy will cover only these six HCP planning units. Maps showing all lands covered by the HCP are attached to this Notice, with boundaries showing the six Westside planning units relevant to this proposal.

The current proposal involves a single species within the exclusive jurisdiction of the USFWS under the ESA. Consequently, DNR and USFWS are serving as co-lead agencies for purposes of environmental review under both SEPA and the National Environmental Policy Act (NEPA). The joint development of an EIS is intended to eliminate duplication by the two agencies and avoid delay, while recognizing each agency's independent responsibilities under SEPA and NEPA.

### **Regulatory Decision-Making Context:**

DNR is a state agency created in Washington law and is subject to various constitutional and statutory requirements in the management of state lands within its proprietary land management responsibilities, as well as being regulated under laws of general applicability. Many of these lands were granted to the state at the time of statehood. They are known as federally granted trust lands. State forest lands are another category of trust lands managed by DNR, created by statute. For both types of trust lands, DNR is subject to legally established trust responsibilities that require DNR to act in the best interests of each individual trust when taking action affecting these trust lands. Hence, prior to submission of a proposed long-term strategy for the habitat of the marbled murrelet amending DNR's State Trust Lands HCP, the Board of Natural Resources (the policy making component of DNR for state trust lands) will need to determine that the proposed strategy meets DNR's trust responsibilities. The EIS will serve the purpose of developing a reasonable range of alternatives that meet the NPO for consideration by the Board and informing the Board of the environmental considerations relevant to its decision to select an alternative for the long-term conservation strategy.

Similarly, USFWS is a federal agency created in federal law and is subject to various constitutional and statutory requirements. USFWS has specific responsibilities under the ESA that require a thorough scientific analysis to support any decision it makes approving an amendment to DNR's HCP and ITP, pursuant to its authority under Sections 7 and 10 of the ESA. While USFWS has additional responsibilities related to the development of plans aimed at the survival and recovery of listed species, its obligations related to approval of

an HCP amendment require USFWS to confirm the proposal meets that requirement for approving an amended ITP. In order to issue an ITP, USFWS must find: 1) the proposed taking will be incidental to an otherwise lawful activity, 2) the applicant will, to the maximum extent practicable, minimize and mitigate the impacts of the taking, 3) the applicant will ensure adequate funding for its plan, 4) the taking will not appreciably reduce the likelihood of survival and recovery of the species in the wild, and 5) any other measures necessary or appropriate for purposes of the plan will be met.

### **Existing Environmental and Other Information:**

Since the State Trust Lands HCP was developed, new information on a number of topics relevant to the proposal has been developed by DNR, USFWS, and others. In developing the long-term conservation strategy for the habitat of the marbled murrelet, DNR and USFWS will rely on the most current scientific information available. The following information may be reviewed to consider its relevance during the development of the long-term conservation strategy. (This list is not intended to be a complete list of all information that may be considered or to be an endorsement of the scientific authority of the information contained in this list):

- DNR Corporate and Survey Data
- Recommendations and Supporting Analysis of Conservation Opportunities for the Marbled Murrelet Long-Term Conservation Strategy, March 2008 (Science Team Report)
- USFWS Marbled Murrelet Status Reviews, Recovery Plan, Designation of Critical Habitat, Northwest Forest Plan Updates
- Pacific Northwest Research Station (USFS) Spatial Analysis of Marbled Murrelet Habitat using MaxEnt (2011)
- Washington Department of Fish & Wildlife (WDFW) Database of Marbled Murrelet Surveys using Pacific Seabird Protocol
- WDFW and USFS At-Sea Marbled Murrelet Population Monitoring Research

### **Relationship to Interim Conservation Strategy and Habitat Conservation Plan:**

The Interim Conservation Strategy describes the current and temporary management strategy applicable to the marbled murrelet under DNR's State Trust Lands HCP. The interim strategy will cease to exist upon a final decision relating to a long-term conservation strategy for the habitat of the marbled murrelet. Data developed during the implementation of this interim strategy will be utilized to the extent relevant to the long-term strategy. Consistent with the timing requirements for environmental review under SEPA, DNR has not made any decisions regarding a particular long-term conservation strategy and is initiating its proposal based upon a set of objectives that are consistent with the commitments made in DNR's State Trust Lands HCP and within DNR's authority. The no action alternative will evaluate what would occur if a long-term conservation strategy were not adopted. Purposes of a no action alternative are to allow for a meaningful comparison to action alternatives and to evaluate the impacts of proceeding without the proposal.

**Notice of Public Meetings**

<b>Meeting Date: June 5, 2013</b> <b>Meeting Time: 5:00-7:00 p.m.</b> <b>Meeting Location: Natural Resources Building,</b> <b>1111 Washington Street SE, Room 175,</b> <b>Olympia, WA 98504</b>	<b>Meeting Date: June 10, 2013</b> <b>Meeting Time: 5:00-7:00 p.m.</b> <b>Meeting Location: Northwest Region Office,</b> <b>Department of Natural Resources, 919 N.</b> <b>Township Street, Sedro-Woolley, WA 98294</b>
<b>Meeting Date: June 12, 2013</b> <b>Meeting Time: 5:00-7:00 p.m.</b> <b>Meeting Location: DNR Olympic Region</b> <b>Office, 411 Tillicum Lane, Forks, WA 98331</b>	<b>Meeting Date: June 19, 2013</b> <b>Meeting Time: 6:00-8:00 p.m .</b> <b>Meeting Location: Pacific County</b> <b>Courthouse, South Bend, WA 98586</b>

**Consideration of Comments:**

All comments received will be considered by the SEPA Responsible Official. A summary of comments received will be prepared and made available following the conclusion of this second phase of scoping and prior to the issuance of the Draft Environmental Impact Statement.

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**Address:** Washington Department of Natural Resources  
SEPA Center  
P.O. Box 47001  
Olympia, WA 98504-7001

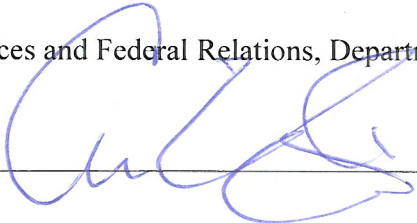
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Project Lead, Marbled Murrelet Conservation Strategy

**Responsible Official:** Aaron Everett

**Position/Title:** Deputy Supervisor of Forest Practices and Federal Relations, Department of Natural Resources

**Date:** 5/13/13

**Signature:** 

There is no DNR administrative SEPA appeal.

# **Marbled Murrelet Long-Term Conservation Strategy Conceptual Alternatives for Phase Two of Scoping**

## **Introduction**

The Department of Natural Resources (DNR) and US Fish and Wildlife Service (USFWS) are seeking public comment on the following no-action and three conceptual alternatives for DNR's marbled murrelet long-term conservation strategy (LTCS) to satisfy the Trust Lands Habitat Conservation Plan (HCP) adopted in 1997. A Need, Purpose and Objectives (NPO) was developed by the DNR and USFWS to constructively guide the environmental review process for the marbled murrelet LTCS. The purpose of a No-Action alternative is to assess the environmental consequences of not proceeding with an alternative that meets the NPO. In contrast, the conceptual alternatives represent three distinct conservation approaches for an LTCS, each of which would be consistent with the NPO.

Features that distinguish each alternative include the range of geographic emphases, occupied site management, and non-timber activities in the forest environment. As alternatives are further developed, the agencies may also include mitigation that encompasses: innovative management approaches, murrelet use of the aquatic environment, adaptive management, and timing of forest activities.

The alternatives in the Draft Environmental Impact Statement (DEIS) are expected to minimize and mitigate impacts during the life of the HCP, based on threats to the marbled murrelet. These specific conceptual alternatives may be further developed for the DEIS, or other alternatives not represented here may be developed for the DEIS.

Forest stands currently managed for conservation purposes, pursuant to the HCP and Policy for Sustainable Forests, may provide habitat for marbled murrelets at present or in the future.

## **No Action Conceptual Alternative**

Under the No-Action conceptual alternative, DNR would no longer pursue HCP coverage for the marbled murrelet. Instead, DNR would follow existing regulations that apply to marbled murrelet habitat, including current Forest Practices rules and the Endangered Species Act. Without incidental take coverage for marbled murrelets, DNR would conduct a case-by-case review of its harvests and other activities in marbled murrelet habitat. This no-action conceptual alternative assumes expiration of the marbled murrelet interim conservation strategy and lack of coverage for the marbled murrelet from the Incidental Take Permit issued by USFWS.

## **Conceptual Alternative #1**

Conceptual Alternative #1 focuses conservation efforts on the protection of known occupied sites from forest management activities and enhances their long-term persistence. This would be accomplished by providing variable width buffers (potentially larger on average than the other alternatives that may include adjacent patches of forest and filling in habitat gaps). The goal is to reduce impacts to occupied sites from windthrow, microclimate effects, and predation risk. DNR may take additional measures to reduce corvid predation risk. Impacts needing mitigation could result from harvest of unknown occupied sites and disturbance.

## **Conceptual Alternative #2**

Under this conceptual alternative, DNR would protect most or all occupied sites from forest management activities and provide functioning buffers to minimize windthrow, predation risk, and microclimate effects that might impact habitat quality at each protected site. DNR would also create Conservation Areas, as needed, to mitigate for impacts to marbled murrelet habitat.

Conservation Areas would be located in strategic locations in Southwest Washington, the Olympic Experimental State Forest (OESF), and the North Puget Planning Unit. Strategic locations relative to Objective #2 “Marbled Murrelet Habitat” would be identified considering distance to higher quality marine foraging areas, the size and proximity of occupied sites, the level of murrelet activity within occupied sites, and the amount of murrelet habitat.

Conservation Areas would be designed to protect and develop contiguous blocks of habitat with interior forest conditions. Contiguous blocks of interior forest can decrease habitat fragmentation at the landscape scale, potentially reducing the risk of nest predation. These Conservation Areas could contain a mix of forest stands and habitat types, including occupied sites, unoccupied habitat, and forest stands that have the potential to become habitat during the life of the HCP. These Conservation Areas would be managed to develop into high quality nesting habitat.

Conservation areas in OESF would complement extensive existing murrelet habitat located on federal lands in the Olympic Peninsula, known to be an area of high murrelet activity adjacent to the off-shore marine area with the highest density of murrelets. Habitat development within the Sitka spruce zone in the OESF was identified as a priority for murrelet conservation by the Marbled Murrelet Science Team. Since murrelet habitat is relatively scarce in the low-elevation Sitka spruce zone, there is an opportunity for DNR to contribute to conservation and development of this unique and underrepresented habitat type.

### **Conceptual Alternative #3**

Under this conceptual alternative, DNR would protect most or all occupied sites from forest management activities and provide functioning buffers to minimize windthrow, predation risk, and microclimate effects that might impact habitat quality at each protected site. In addition, DNR would create Conservation Areas as needed to mitigate for impacts to marbled murrelet habitat.

These Conservation Areas would be located primarily in Southwest Washington to address the scarcity of federal lands available for murrelet conservation in this part of Washington State. Southwest Washington can provide habitat connectivity across subpopulations within the range of the marbled murrelet. Additional Conservation Areas could also be created in the North Puget Planning Unit. Strategic locations relative to Objective #2 “Marbled Murrelet Habitat” would be identified considering distance to higher quality marine foraging areas, the size and proximity of occupied sites, the level of murrelet activity within occupied sites, and the quantity and quality of murrelet habitat.

Conservation Areas would be designed to protect and develop contiguous blocks of habitat with interior forest conditions. Contiguous blocks of interior forest can decrease habitat fragmentation at the landscape scale, potentially reducing the risk of nest predation. These Conservation Areas could contain a mix of forest stands and habitat types, including occupied sites, unoccupied habitat, and forest stands that have the potential to become habitat during the life of the HCP. These conservation areas would be managed to develop into high quality nesting habitat.



## Marbled Murrelet Conservation Strategy

### Joint Proposal between Board of Natural Resources and the United States Fish and Wildlife Service

**Need:** To obtain long-term certainty for timber harvest and other management activities on forested state trust lands and to contribute to long-term conservation for the marbled murrelet, consistent with commitments in the 1997 Habitat Conservation Plan.

**Purpose:** To develop a long-term habitat 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' 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 responsibilities, including: making trust property productive; preserving the corpus of the trust; exercising reasonable care and skill in managing the trust; acting prudently with respect to trust property; acting with undivided loyalty to trust beneficiaries; and acting impartially with respect to current and future trust beneficiaries.

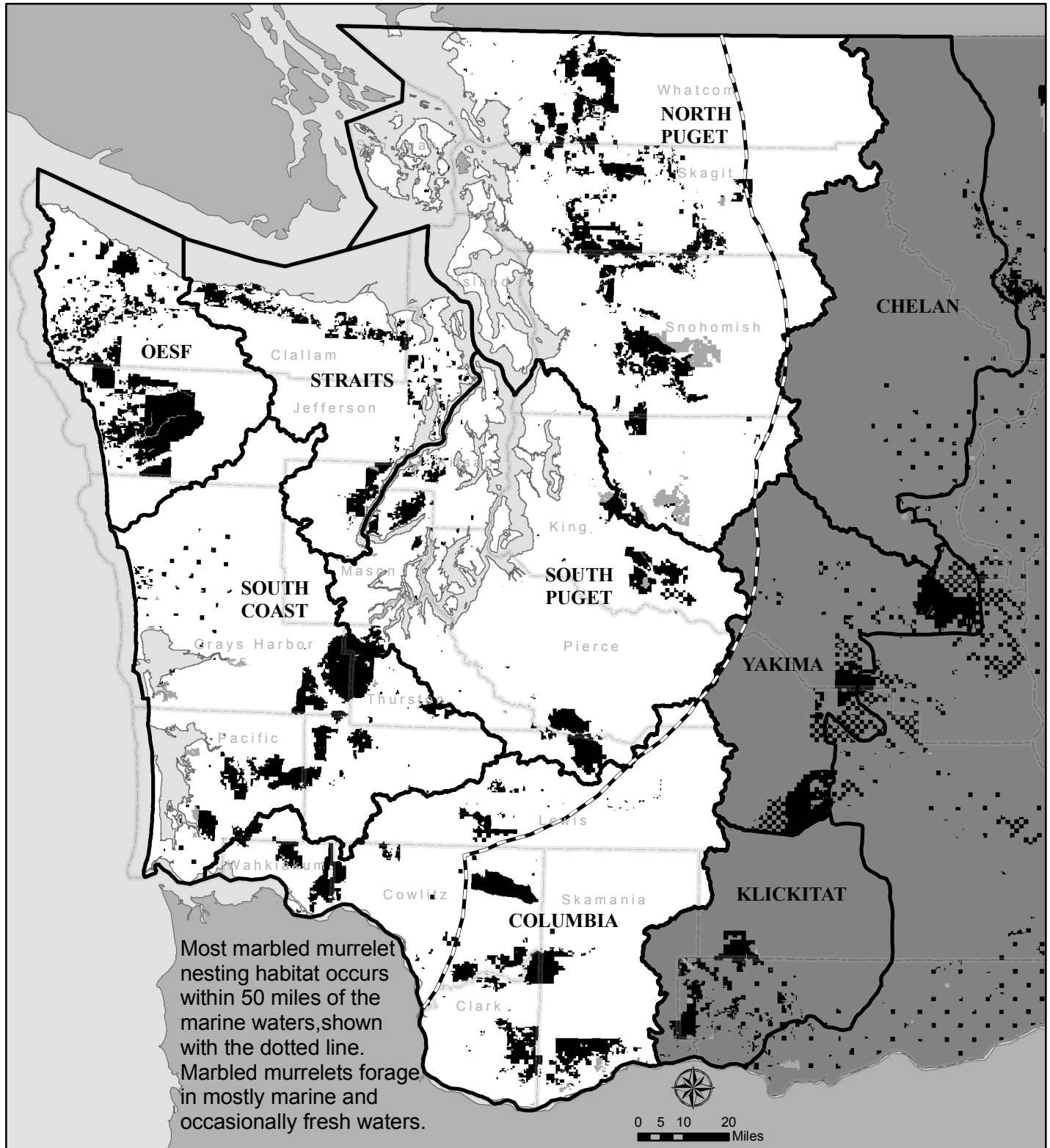
**Objective #2 Marbled Murrelet Habitat:** Provide forest conditions in strategic locations on forested trust lands that minimize and mitigate incidental take of marbled murrelets resulting from DNR's forest management activities. In accomplishing this objective, we expect to make a significant contribution to maintaining and protecting marbled murrelet populations.

**Objective #3 Active Management:** Promote active, innovative and sustainable management on the forested trust land base.

**Objective #4 Operational Flexibility:** Provide 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.

# DNR-Managed Forest Lands to be Covered by the Marbled Murrelet Conservation Strategy



## Legend

- 50 Miles From Marine Foraging Areas
- HCP Units Covered by Strategy
- HCP Units Not Covered by Strategy
- County Boundaries
- DNR-Managed Lands**
- Forested State Trust Lands
- Natural Area Preserve/ Natural Resource Conservation Area

