

N A T U R A L R E S O U R C E S

FINAL (MERGED)

Environmental
Impact
Statement

HABITAT CONSERVATION PLAN

October, 1998



WASHINGTON STATE DEPARTMENT OF
Natural Resources

Jennifer M. Belcher Commissioner of Public Lands



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Acronyms

C.F.R.	U.S. Code of Federal Regulations
CWD	Coarse woody debris
dbh	Diameter at breast height
DCA	Designated Conservation Area
DEIS	Draft environmental impact statement
DNR	Washington Department of Natural Resources
EIS	Environmental impact statement
ESA	Endangered Species Act
ESU	Evolutionarily Significant Unit
FEIS	Final environmental impact statement
FEMAT	Forest Ecosystem Management Assessment Team
FRP	Forest Resource Plan
FSEIS	Final supplemental environmental impact statement
GIS	Geographic information system
HAU	Hydrologic analysis unit
HCP	Habitat conservation plan
IA	Implementation agreement
ITP	Incidental Take Permit
LOD	Large organic debris
LPU	Landscape planning unit
LSR	Late-Successional Reserve
LULC	Land Use/Land Cover (DNR GIS data layer)
LWD	Large woody debris
MPL	Major Public Lands (DNR GIS data layer)
NAP	Natural Area Preserve
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NRCA	Natural Resource Conservation Area
NRF	Nesting, roosting and foraging habitat
OESF	Olympic Experimental State Forest
RCW	Revised Code of Washington
RMZ	Riparian management zone (as defined in WAC 222)
SEA	Special Emphasis Area
SEIS	Supplemental environmental impact statement
SEPA	State Environmental Policy Act
U.S.C.	U.S. Code
USDA	U.S. Department of Agriculture
USDI	U.S. Department of the Interior
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
WAC	Washington Administrative Code
WAU	Watershed administrative unit
WDF	Washington Department of Fisheries (merged into WDFW in 1994)
WDW	Washington Department of Wildlife (merged into WDFW in 1994)
WDFW	Washington Department of Fish and Wildlife
WFPB	Washington Forest Practices Board
WRIA	Water resource inventory area



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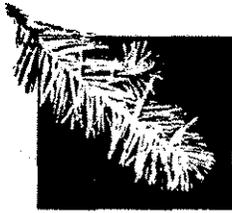
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Section 1 - Background and Context



Section 1. Background and Context

1.1 Process

Following the listing of the northern spotted owl and marbled murrelet, and in anticipation of the possible listing of salmon species, DNR began to consider an Habitat Conservation Plan (HCP), as an alternate method of complying with the Endangered Species Act on state trust lands. In 1993, DNR began development of an HCP for consideration by the Board of Natural Resources on department-managed trust lands. Initial contacts were made with the federal agencies that would likely be involved (U.S. Fish and Wildlife Service [USFWS] and National Marine Fisheries Service [NMFS], referred to jointly as the Services) to solicit information on how to approach an HCP. (This document will use the term "the Service" when referring to just the USFWS.)

To avoid duplication of effort, the Services and DNR decided to prepare an Environmental Impact Statement as co-lead agencies to fulfill both State Environmental Policy Act (SEPA) and National Environmental Policy Act (NEPA) requirements. Public scoping occurred in April and May, 1994, to help determine the scope of the project. Notice of intent to prepare an Environmental Impact Statement appeared in the Federal Register on May 2, 1994. Notice of scoping appeared in the SEPA Register on April 25 and May 13 of 1994. Formal scoping notices were mailed to the media and some 1,600 organizations and individuals, providing information on the background and purpose of DNR's HCP and public scoping workshops and requesting public comment. Ten public meetings were held around the state in May and June of 1994, with about 100 people attending. A citizen's advisory committee was consulted as representatives of the general interests of residents of the state. Two additional public workshops in December, 1993, and a separate citizen policy review committee provided input for the Olympic Experimental State Forest (OESF), a separate planning unit of the HCP. In addition to oral comments received at the workshops, written comments were received during the scoping period. Scoping reports summarizing the comments were prepared by the Services and DNR.

DNR formed a Science Team to prepare recommendations on managing forest lands to provide adequate habitat for listed species and to avoid disruptions in the event of future listings of additional species. The Science Team's recommended approach focused on complementing the conservation efforts being provided by federal land management agencies. The recommendations of the Science Team served as the basis for the HCP options developed by DNR.

The Board of Natural Resources has been involved in the HCP process from the beginning, through frequent presentations and discussions at the Board's regular public

meetings, as well as in special public workshops. In October and November of 1994, preliminary concepts for conservation strategies were presented at the Board's regular monthly public meetings. An open workshop of the Board of Natural Resources was held on February 2, 1995. That same month, following formal announcements to the media and some 3,000 individuals and organizations, four special public meetings of the Board were held around the state to hear comments from the public on the proposed options. Conservation strategies for spotted owls and riparian areas in the OESF, a separate planning unit of the HCP, were presented to the Board at their regular March and April, 1995, public meetings.

To compare effects of the HCP options and current practices on harvest levels and revenues to the trusts, DNR staff used computer modeling to project forest stand growth and harvestability 200 years into the future. The process and results were presented at a special public workshop of the Board on April 20, 1995. Harvest level and revenue projections for the OESF were presented at a regular public meeting of the Board on June 6, 1995. The Board then selected a preferred HCP option.

Over the next several months, the conservation strategies for the Board of Natural Resources-selected option were further developed. Calculations for the harvest level and sales revenue projections were also refined. The preliminary draft of the HCP was presented at the October, 1995 public meeting of the Board.

The Services and DNR prepared a joint Draft Environmental Impact Statement (DEIS) that analyzed DNR's proposal along with other reasonable alternatives, including current practices. The document evaluated the effects of implementation of the alternatives on issues and concerns such as threatened and endangered species and their habitats, other fish and wildlife and their habitats, environmental factors, and potential social and economic consequences.

The draft HCP, including a draft Implementation Agreement, was published and released for public comment in March 1996. The DEIS was published and released for public comment on March 22, 1996. The formal public comment period ended May 20, 1996. Notice of availability of these documents was published in the Federal Register on April 5, 1996 and in the SEPA Register on March 22, 1996. More than 900 copies of the DEIS and draft HCP were distributed and an additional 3,624 copies of Executive Summaries of the two documents were also distributed. (A detailed distribution list is included in Appendix 2 of this Final Environmental Impact Statement [FEIS].) The documents were also sent to state, local, and regional libraries. Notice of public hearings appeared in the Federal Register on April 10, 1996. Following notice to the media and some 3,000 organizations and individuals, the Board and the Services took testimony at five public hearings around the state in April and May, 1996, with a total of approximately 165 attending. A total of 173 comments were received (41 from public testimony which was transcribed), representing 181 individuals and organizations. (Summaries of testimonies from the hearings and written comments received during the comment period are included with responses from the Services and DNR in Section 3.2 of this FEIS, and a list of all commentors to the DEIS is found in Appendix 1.)

More than 3,000 individuals, organizations and agencies have been kept apprised of the planning process and alerted to opportunities to provide comments as the project has developed. All regularly scheduled and special meetings and workshops of the Board of Natural Resources follow the requirements of the Open Public Meetings Act and are open to the public; most offer time for public comment. In addition, the Commissioner of Public Lands and DNR staff have made more than 100 presentations to, and had discussions with, a variety of audiences, including trust beneficiaries, legislators, Tribes, and interested organizations, groups, and individuals.

The Services are currently fulfilling their obligations under Section 7 of the Endangered Species Act. Upon completion of the comment period and the associated review of the comments and revision of the proposed draft HCP, the Services initiated consultation/conferencing under Section 7. This fulfills the need of a Section 7 intra-Service consultation and determines whether the Section 10 issuance criteria regarding the jeopardy standard is met. The Services will prepare the Section 7 documents, Section 10 Statement of Findings, and a Record of Decision prior to deciding whether to issue the Incidental Take Permit. Based on careful review of all documents, analyses, and public comments, the Board of Natural Resources will determine whether to enter into an agreement with the Services and adopt the draft HCP. A Notice of Issuance would be issued shortly after any approval and issuance of a permit.

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1.2 Format for FEIS

This FEIS is written to amend the DEIS in response to public comment and to incorporate additional information, corrections, and modifications. As such, this FEIS incorporates the DEIS by reference and all portions of the DEIS should be considered valid and applicable except for those changes provided in this document.

The FEIS has three sections and six appendices. Section 1 contains this Background and Context. Section 2 contains changes to the DEIS presented in the same order as sections of the DEIS. Sections that do not change are labeled "No Change." Where a change to the DEIS occurs, that change is presented and discussed in the following manner. First, the nature of the change is explained (paragraph modified, word deleted, sentence added, etc.), then the change is shown in redline/strikeout (redline = additions, ~~strikeout~~ = deletions) format. Section 3 contains the outline used to categorize comments, then summaries of public comments and the responses from the Services and DNR, and then summaries of comments from Tribes that responded after the close of the comments period with responses from the Service, all according to the same comment category outline.

Appendix 1 lists all who provided comments in writing or in testimony at the public hearings during the formal public comment period. Appendix 2 lists organizations and individuals who received copies of the draft documents and those who will receive this FEIS in the initial distribution. Appendix 3 shows the changes to the draft HCP, following the order of chapters and sections in the original document, and using a similar format to that used in Section 2 for changes to the DEIS. Appendix 4 contains the revised Implementation Agreement. Appendix 5 contains information about the harvest projections and economic analysis conducted for the proposed HCP. Appendix 6 is a reproduction of the U.S. Department of the Interior's and U.S. Department of Commerce's 1994 No Surprises Policy.



WASHINGTON STATE DEPARTMENT OF
Natural Resources



March 22, 1996

Dear Reviewer:

The Washington Department of Natural Resources (DNR) has developed a draft Habitat Conservation Plan as a method of complying with the Endangered Species Act on the 1.6 million acres of forested state trust lands that lie within the range of the northern spotted owl. The attached Draft Environmental Impact Statement (DEIS) analyzes DNR's proposal along with other reasonable alternatives, evaluating the effects of implementation on issues and concerns such as threatened and endangered species and their habitats, other fish and wildlife and their habitats, environmental factors, and potential social and economic consequences.

The draft Habitat Conservation Plan and the DEIS are part of DNR's application to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for an Incidental Take Permit and unlisted species agreement, under the authority of the Endangered Species Act. The permit would allow incidental take of all listed species as a result of legal forest management activities on these 1.6 million acres managed under state law by DNR to benefit the trusts. The unlisted species agreement would cover species that may be listed in the future.

A 60-day public comment period begins with the publication of this DEIS. We appreciate your taking the time to review the DEIS and DNR's draft Habitat Conservation Plan. Please send your written comments to Chuck Turley, DNR, P.O. Box 47011, Olympia, WA 98504-7011. Comments must be received or postmarked no later than May 20, 1996. In addition, we invite you to attend and participate in the public meetings that will be held around the state in April and May.

If you have any questions or would like additional information, please call Chuck Turley, DNR, at 360/902-1148, Bill Vogel, U.S. Fish and Wildlife Service, 360/753-4367, or Steve Landino, National Marine Fisheries Service, 360/753-6054.

Sincerely,

JENNIFER M. BELCHER
Commissioner of Public Lands
Washington Department of Natural Resources

CURT SMITCH
Assistant Regional Director
Fish and Wildlife Service
U.S. Department of the Interior

ELIZABETH HOLMES GAAR
Habitat Branch Chief
National Marine Fisheries Service
National Oceanic and Atmospheric Agency
U.S. Department of Commerce

NOTES

On February 28, 1996, the U.S. Fish and Wildlife Service (USFWS) published in the Federal Register (61 Fed. Reg. 7596-7613 (1996)) notice of a change in the status of approximately 4,000 species of animals and plants that had previously been referred to as "candidate species" for listing under the provisions of the Endangered Species Act. Up to this date, three separate candidate categories existed. One of those categories was "Category 2 candidates", species for which the USFWS did not have sufficient scientific information to support a listing. This Category 2 list will no longer be maintained by USFWS.

This change does not affect the status of species (such as coho and other anadromous salmonid fish) for which federal regulatory authority resides with the National Marine Fisheries Service.

With this change in status, USFWS currently considers 182 species "candidates for listing", species for which there is sufficient scientific information to support a listing as either endangered or threatened (previously referred to as Category 1 candidates). The current candidate list includes four species found in Washington State: bull trout (*Salvelinus confluentis*), spotted frog (*Rana pretiosa*), Oregon checker-mallow (*Sidalcea oregana* var. *calva*), and basalt daisy (*Erigeron basalticus*).

Federal candidate species are referred to in DNR's draft HCP and the draft EIS. The language contained in these documents is consistent with the federal candidate status prior to the February 28 change. The Department of Natural Resources, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service (joint lead agencies for preparation of the EIS) will review this information and, where necessary, modify the final EIS.