A. RANGE OF ALTERNATIVES

Summary: Washington DOE and five individuals commented either Alternative B or C was acceptable. WDOE encouraged adoption of Alternative C. Two individuals asserted that modifications for greater species protection would be necessary for Alternative B to be acceptable. The Point No Point Treaty Council, Squaxin Island Tribe, Yakama Indian Nation, Rivers Council of Washington, Sierra Club Cascade Chapter, Washington Wilderness Coalition, The Mountaineers, Skagit and Whidbey Audubon chapters, and four other individuals supported Alternative C. One individual would support C only if incidental take is not allowed. Nine commentors supported Alternative A, and two individuals supported Alternative B. NWIFC commented that all alternatives should include the entire range of the northern spotted owl and an alternative proposing a transition from a zoned to an unzoned management strategy in the OESF should have been analyzed. Bogle & Gates (a consultant to Washington State University) commented at least three of the alternatives not analyzed in detail were reasonable and should have been analyzed in detail. Green Crow, a forest products company, and another individual suggested DNR use the Forest Resources Plan as an alternative. Another individual asked that all three alternatives be rejected and a new alternative presented which is in compliance with the ESA. One individual requested a comparison between Alternatives B and C. Another commentor wrote that current Forest Practice Rules and Regulations should have been analyzed as an alternative.

Response: The Services note all comments suggesting the choice of a preferred alternative. The Services have not identified a preferred alternative at this time. As for comments suggesting that all alternatives should address the entire range of the owl, as opposed to the presently analyzed plan area, please see responses in topics regarding the design of the plan area.

As for comments regarding the alternatives not analyzed in detail, the DEIS rigorously explores and objectively evaluates all reasonable alternatives and briefly discusses the reasons underlying the decision not to analyze certain alternatives in detail (40 CFR 1502.14 (a)). The Services are not required to analyze alternatives in detail that do not comport with the Purpose and Need stated in Chapter 1 of the DEIS. The Council on Environmental Quality (CEQ) has written, "[t]here is no need to disregard the Applicant's purposes and needs and the common sense realities of a given situation in the development of alternatives" (Federal Register, 48 FR 34263). Further, the Services adhere to the sentiments expressed by the court in Resident in Protest--I35 v. Dole, 583 F. Supp. 660-61 (D. Minn., 1984): "A reasonable alternative is one which would effectuate the purposes of the project. If an alternative does not implement the purposes of the project it certainly is not reasonable and no purpose is served by requiring a detailed discussion of its environmental effects since the alternative would never be adopted." Based on its analysis that certain alternatives considered would not effectuate the purpose and needs stated in the DEIS, DNR appropriately informed the Services it would not implement those alternatives if analyzed and selected. Using the common sense approach suggested in CEQ's guidance and in Residents, the Services and DNR eliminated certain alternatives from detailed analysis.

The suggestion that the Services analyze an alternative based on "splitting the difference" between the proposed HCP Alternative and the No Action alternative is an arbitrary suggestion in view of how the action alternatived were developed. The alternatives and HCP

prescriptions that were analyzed in detail were developed through reliance on current science and best available information applicable to habitat management in the context of commodity production. The Services must avoid arbitrariness in implementing the Section 10 process.

Aspects of the Forest Resource Plan that are currently a part of DNR management and operations under the present regime of regulations are incorporated into the description of the No Action alternative. The FPRs have been incorporated into the description of the No Action alternative to the extent that current agency forest practices guide current operations and management. However, as discussed elsewhere in this section, an alternative based entirely on implementing forest practices minimums would not have enabled issuance of the requested ITP.

All three alternatives considered "comply" with the ESA. The question of whether any of the Action proposals enables the Services to make the findings stated in ESA Section 10(a)(2)(B) has yet to be answered.

NEPA demands analysis of the "net" effects of an action proposal on the human environment. This assessment involves comparing the increment of effects between the various action proposals and the No Action alternative. As a result, the action proposals have not been compared to each other.

B. REASONABLE ALTERNATIVES

Summary:,Bogle & Gates (a consultant to Washington State University) commented that DNR's definition of the No Action alternative implies that there are no other alternatives to an HCP. The Northwest Forestry Association commented that other alternatives to an HCP need to be developed and analyzed.

Response: Environmental documents prepared to analyze ITP issuance have generally described the No Action alternative the same way. Specifically, the No Action alternative represents the regulatory regime with which the applicant would comply in the absence of obtaining an ITP. Generally, for nonfederal forest land managers this means complying with state forestry regulations and complying with the ESA prohibition of the take of listed species. The No Action alternative presented in the DEIS is somewhat different in that DNR has been implementing its own Forest Resource Plan, rather than merely adhering to the prevailing regulatory regime. Accordingly, for DNR, "no action" has been taken to mean "no change" from the present mode of management. Since "no change" in the context of issuing an ITP comports with the definition of no action under NEPA implementing regulations and guidance, the Services utilized this definition of no action in the DEIS.

The Services respectfully disagree that the description of the No Action alternative implies that there are no alternatives to an HCP. DNR does not have to do an HCP as a means of compliance with the ESA. In the absence of acquiring an ITP and implementing an HCP, DNR could continue its present mode of operations. The No Action alternative description takes into account the regulatory environment under which DNR would have to operate without an ITP, nothing more.

C. NO ACTION ALTERNATIVE

Summary: The Washington DOE recommended against selecting the No Action alternative because it does not adequately protect salmon habitat nor address amphibian needs. Bogle & Gates (a consultant to Washington State University) commented the DEIS prejudices decisionmakers against the No-Action alternative because it leads them to the conclusion that one of the action alternatives is the only reasonable choice for managing State land. Bogle & Gates also commented that the No Action alternative does not afford the trust any meaningful degree of certainty. Clallam County, Washington Hardwoods Commission, and Washington Forest Protection Association wrote that the presentation of the No Action alternative was inaccurate and/or did not present the correct baseline for analysis. The Sierra Club Cascade Chapter commented the NoAction alternative does not adequately provide for fish and wildlife, especially those requiring late successional forest conditions. One individual stated the No Action alternative represents a "known violation" of the ESA.

Response: The Services and DNR note Washington DOE's concern for the lack of protection for certain species in the No Action alternative. Regarding Bogle & Gates' comments, the DEIS fulfills a basic NEPA role by analyzing in detail the increment of effects to a wide range of resources between no action (not issuing an ITP, not implementing an HCP) and the two action alternatives. The document makes no assessment of the propriety of any choice for management of State lands. In fact, the Services have purposefully deferred identifying the preferred and environmentally preferred alternatives in the DEIS.

The Services acknowledge the commentor's assessment that the No Action alterative probably provides the state's land managers with the lowest degree of planning certainty of the proposals analyzed.

The No Action alternative provides the baseline NEPA demands for analysis of an HCP proposal. The action proposal is the issuance of the ITP. The No Action alternative, then, is not issuing an ITP. No HCP would be implemented and no take of listed species would be permitted. DNR would be subject to management restrictions for currently listed species and regulations promulgated after future species listings without the benefit of an agreement providing a mechanism for adding those species to the requested permit. DNR would be required to engage measures to avoid take of listed species.

The Services provisionally agree with the assessment that the No Action alternative does not adequately provide for fish and wildlife species dependent on late-successional forests. The Services are not certain what the commenter meant by a "known violation" of the ESA. The Services disagree that operating under no action would violate the ESA. As described above, and elaborated in the EIS, under the No Action alternative DNR would have to comply with individual species take prohibitions as well as other applicable forest practices rules and regulations.

D. COMMENT PERIOD LENGTH

Summary: Skamania County commented the comment period was inadequate to review the DEIS, HCP, and IA. Skamania County reserved their ability to submit additional comments in the future. The Mountaineers, Wildlife Society, and Northwest Biodiversity Center, Merrill

& Ring and Northwest Forestry Association, and four individuals all suggested the period for review was too short.

Response: The HCP has been available for public review since March 1996. The DEIS was available for review for a 60-day period, exceeding the statutory review period length and comporting with Department of the Interior policy.

E. ADEQUACY OF DOCUMENTS

Summary: The Hoh Tribe requested a comparison of the OESF proposal with current state policy. The Muckleshoot Indian Tribe requested the draft HCP and DEIS be evaluated in relation to SEPA to address site-specific issues and cumulative effects. The Tulalip Tribes stated the Tribes need more input in the DEIS. Point No Point Treaty Council asked that the DEIS evaluate treaty resources under each alternative. Clallam County Commissioner Phillip Kitchell wrote that a report by Lippke, Sessions, and Carey should be used to provide "accurate information" to the Board of Natural Resources . One commentor was impressed by the effort and thoroughness of the DEIS, another felt that the DEIS doesn't fully describe the impacts of the HCP. A third individual requested a clearer comparison of Alternatives B and C. Bogle & Gates (a consultant to Washington State University) wrote that the environmental document does not provide sufficient information to allow informed decision making by the responsible officials. Black Hills and National Audubon Societies, Rivers Council of Washington, and the Sierra Club Cascade Chapter suggested an enhanced all-species analysis. The Wildlife Society commented a population viability analysis for spotted owls affected by take is necessary. The Washington Hardwood Commission and GBA Forestry , Inc. stated that the impact to hardwood habitats and harvest rates needs to be clearly defined under each alternative.

Response: The No Action alternative describes that scenario in which DNR continues to operate without an ITP. The No Action alternative is intended to reflect DNR's present mode of operating. Therefore, the comparison of the OESF action proposal to the No Action alternative provides the comparison that the Hoh Tribe seeks.

The DEIS fulfills the Services' NEPA documentary responsibility as well as DNR's SEPA responsibility. Since the environmental documents are programmatic in scope, site-specific issues are not analyzed. On the other hand, cumulative effects of the proposed action (ITP issuance) are considered in the DEIS.

The issue of treaty resources is addressed under the topic heading Trust Responsibilities and Treaty Resources in this section of the FEIS. The Services caution readers that here, we are referring to the Trust Responsibility owed by the federal government to Indian Tribes regarding treaty resources.

The Services are unaware of whether the Board of Natural Resources has made use of the Lippke report. In evaluating the impacts of the proposed action on the human environment, the Services and DNR are constrained to make use of the environmental documents described in those statutes and therefore relied on the DEIS, as presented.

As for comparing Alternatives B and C, NEPA requires a presentation of net impacts of a proposed action. Net effects are described in the DEIS by comparing the action alternatives to the baseline of effects expected under the No Action alternative. Environmental documents typically compare a range of reasonable action alternatives to a no action alternative. This comparison was presented in the DEIS. Furthermore, the DEIS presents information that has been typically required for decision making by responsible officials on other HCP proposals for forested land in the Pacific Northwest.

The use of habitat-based associations to assess the effects of the proposed action on certain unlisted species follows the approach used in previous HCPs that address unlisted species. An in-depth analysis covering effects of permitting the take of owls based on jeopardy parameters (whether the proposal appreciably reduces the likelihood the species will survive and recover in the wild) is to be presented in the USFWS' Section 7 Biological Opinion. The harvest projections that were generated to conduct several of the analyses presented in the DEIS did not differentiate species.

F. SUPPLEMENTAL EIS

Summary: Bogle & Gates (a consultant to Washington State University) asked whether future negotiations with federal agencies would require supplemental EISs. WEC commented that a Supplemental EIS (SEIS) should be prepared when the long-term murrelet plan is complete.

Response: The Services note that a SEIS shall be prepared if the agency makes substantial changes in the proposed action that are relevant to environmental concerns or there are significant new circumstances or information relevant to environmental concerns (40 CFR 1508.25). At this time, neither of these two criteria has been triggered, and no need for a SEIS has arisen to date. Negotiations regarding the HCP proposal have ensued following the receipt and review of public comment. The HCP has been finalized in accord with these discussions. Subsequently the FEIS was prepared in compliance with the agencies' responsibilities under NEPA and SEPA. As mentioned above, all major amendments will be subject to the appropriate level of analysis, review, and comment.

G. SCIENTIFIC CREDIBILITY

Summary: Five organizations and two individuals provided comments on scientific credibility. The Muckleshoot Tribe commented that there is no technical basis for the separate recommendations for the OESF. NWIFC stated that much of the HCP lacks credibility. The Tulalip Tribes repeatedly questioned the scientific foundation for the technical issues on which they commented. Bogle & Gates (a consultant to Washington State University) commented that speculative, unfounded statements are not scientific and mislead the decision maker, especially regarding riparian and wetland management under the No Action alternative. WEC commented the HCP should be based on the best available science. One individual wrote the HCP is deceptive and self serving. Another individual commented the document contains numerous contradictions, distortions, and conclusions which disregard existing science.

Response: The OESF warrants a different approach than the other planning units because of its geologic, climatic, and experimental nature. The HCP's foundation in science began with

the creation of a science team and continued through discussion and incorporation of the best available scientific information. This approach was applied to each topic scrutinized by the Services and DNR technical staff.

H. CUMULATIVE IMPACTS

Summary: WEC noted that because the HCP encompasses a large area, cumulative effects to species would be great if the HCP provides only marginal protection. WEC also wrote that, DNR, as a state agency, has a higher obligation to protect species than a private landowner. The Muckleshoot Indian Tribe wrote the analysis of salmonid impacts fails to consider impacts from other sources.

Response: NEPA requires the Services to analyze the cumulative effects of the proposed action. Cumulative effects are defined in NEPA regulations as the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or nonfederal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7). The required analysis appears in Section 4.11 of the DEIS.

This proposal involves the issuance of a permit to allow take of species listed under the ESA. For such a permit to be issued, the applicant must propose a plan designed to adequately mitigate the effects of take. The present HCP is an example of such a plan. Mitigation is provided, not just for the species which might be taken but also for effects on many other aspects of the human environment. In this regard, the Services view implementing an adequate HCP as providing many beneficial effects, as opposed to adverse effects, on the human environment. Therefore, an HCP proponent makes little or no contribution to overall cumulative effects, especially when compared to other landowners in the vicinity that are managing to lower standards. The bottom line remains -- other landowners continue to make the same level of contribution to cumulative impacts, while the HCP proponent implements improved management, thus lowering overall cumulative effects compared to what might occur in the absence of the proposed HCP.

Concerning the assertion that DNR has a higher reponsibility to fish and wildlife conservation than other nonfederal landowners, no distinction is made in ESA Section 10 regarding the stature of the landowner when considering the criteria for permit issuance, and no such prejudice has been accorded DNR in the present process.

XIV. APPROVAL/DISAPPROVAL

A. SECTION 7 CONSULTATION

Summary: The Muckleshoot Indian Tribe stated that the HCP and DEIS are incomplete without a cumulative effects analysis that considers the relationship of DNR's HCP to other plans and actions for areas that are adjacent to DNR's HCP planning areas.

One individual expressed his belief that the Service should solicit public comments on draft biological opinions and provide public access to all documents used in all consultations. Another individual provided a detailed analysis of why the owl provisions of the draft HCP

violate section 7 of the ESA. He determined that: (1) The HCP did not use the best available scientific data; (2)The HCP and EIS did not accurately depict the "impact that would result from such taking"; (3)The HCP would appreciably reduce the likelihood of the survival and recovery of the species in the wild; (4) The HCP does not minimize or "to the maximum extent practicable" mitigate any and all impacts that may occur upon the endangered species and its critical habitat; and, (5) Other reasonable and prudent alternatives are available which would provide a greater benefit consistent with conserving the species or its critical habitat.

Response: This analysis will be conducted in the USFWS' Section 7 Biological Opinion for listed species. Future federal actions are not considered during Section 7 consultation. However, reasonably foreseeable federal actions are included in cumulative analyses conducted for NEPA purposes. A complete cumulative analysis was included in the DEIS.

The Services do not usually seek public input on draft biological opinions but do rely on professional judgement of its scientific experts. In addition, all documents and information used in the consultation are available to the public upon request. DNR utilized a science team composed of some of the most knowledgeable scientists in their fields and utilized their recommendations for a majority of the conservation strategies. The Services will utilize the best data available in conducting its consultation. The HCP did depict the impact that would result from such taking, but the Services will make an independant finding in this regard, as well as whether the taking would result in jeopardy. The Service notes that whether the take has been minimized and mitigated to the maximum extent practicable is a Section 10 finding and refers the reader to those responses. Similarly, the Service notes that an analysis of other alternatives is required as a component of an HCP and for NEPA purposes, but is not a Section 7 requirement unless necessary to avoid jeopardy.

1. Impact of Take (Also refer to Section 7 Consultation, above.)

Summary: WDFW proposed a take schedule to reduce the amount and impact of take of northern spotted owls. Several commentors made various assertions regarding the amount of take for owls; these varied from 81 to 187 sites.

Response: The Service will complete a thorough assessment of estimated take, as well as the impact of that take, for each listed species with the potential to be affected by permit issuance and HCP implementation. The Services agree that prioritizing owl sites in order of importance and scheduling take would be an effective manner to provide additional conservation at little or no cost to DNR and its trusts. The Services will continue to provide technical assistance in this regard throughout the first decade of implementation.

2. Critical Habitat

Summary: Washington State Representative Mark Schoesler, 9th District, asked for clarification of the ramifications of an HCP creating a federal nexus: Could this trigger consideration of critical habitat designations? One individual commented that because of uncertainty and lack of knowledge, more than the minimum amount of habitat necessary for species survival should be maintained for their benefit. The NWIFC stated that under the provisions of the unlisted species agreement there is no assurance that the management standards put into place by DNR pursuant to the HCP would be consistent with critical habitat designations for the newly listed species. This failure to require

amendment of management practices in light of new knowledge is especially significant when both DNR and regulatory agencies acknowledge a limited understanding of species' habitat needs. Bogle & Gates (a consultant to Washington State University) wrote that excluding critical habitat designation from the HCP area may prove unlawful. Bogle & Gates point to 16 U.S.C. § 1536(a)(4), which requires federal agencies to ensure that their actions do not result in destruction or adverse modification of critical habitat. It may prove very difficult to argue that any habitat modification under an HCP is not adverse. Consequently, subsequent exemptions of HCP lands from already designated critical habitat will be vulnerable to legal challenge. Bogle & Gates also note that the no adverse modification standard is more stringent than the jeopardy standard.

Response: The Service has designated critical habitat for owls and murrelets within western Washington. The adequacy of those designations was addressed at the time. For additional information regarding marbled murrelet critical habitat, refer to the May 24, 1996, Federal Register (61 FR 26225). For additional information regarding northern spotted owl critical habitat, refer to the January 15, 1992, Federal Register (57 FR 1796).

The HCP will be assessed in the Section 7 consultation for effects the HCP will have on critical habitat and critical habitat constituent elements. If the proposed HCP would result in adverse modification, the permit would not be issued and the HCP would not be implemented. However, such analysis will assess the value of habitats to be harvested or otherwise impacted as well as the conservation benefits to be derived from the HCP. Lastly, the NWIFC is correct. Once approved, the unlisted species agreement may result in a species being added to the permit based upon an HCP which is not consistent with the designation of critical habitat which might follow that future listing. However, the conservation benefits which may be derived from such unlisted species agreements may cumulatively preclude the need for future listing or designation of critical habitat. Designation of critical habitat can be based upon a number of factors which include threats to the subject habitat and economic impacts. Habitats provided under an HCP would be subject to a different (most likely lower) level of threat than other lands and might be precluded from designation from the outset.

3. Jeopardy Level

Summary: One individual commented that because of uncertainty and lack of knowledge, more than the minimum of habitat necessary for species survival should be maintained for their benefit. One commentor said the measurement standard for jeopardy should be clarified.

Response: The Services agree with the first commentor. Regarding the second comment, the jeopardy "standard" is clearly stated in the implementing regulations. It's applicability is more difficult to translate from a conceptual definition to specific levels of biological impact for a given species.

B. SECTION 10 ISSUANCE CRITERIA

Summary: The Services received comments from two Tribal groups, three conservation organizations, and two individuals on issuance criteria. The Tulalip Tribes and Point No Point Treaty Council wrote that ITP issuance criteria are superseded by the Government's

Trust Doctrine related responsibilities regarding resources covered by treaty. The Northwest Ecosystem Alliance believed the HCP does not adequately protect listed or unlisted species and that all alternatives violate the ESA. The Washington Native Plant Society wrote that the HCP needs to consider plants in order to meet the requirement of the ESA, Section 10(a)(1)(b). The Mountaineers wrote the proposed HCP Alternative violates the ESA because it puts more than 40 percent of the known and projected spotted owl sites at risk. One commentor wrote the HCP was not in compliance with the ESA. Another individual commented recovery for threatened and endangered species is an issuance criteria.

Response: Incidental Take Issuance Criteria are stated in ESA Section 10(a)(2)(B) at 50 CFR 17.22(b)(2) and 50 CFR 17.32(b)(2). They are incorporated here by reference. Many of the comments provided during the public review process included assertions that the HCP proposals "violated" or at least did not meet the Issuance Criteria. A decision has yet to be made in this regard. The decision to issue a permit as requested depends inextricably on the permit applicant meeting the criteria stated. To issue an ITP, the responsible official will have to find:

- Take is incidental. (Defined as -- incidental to and not the purpose of the carrying out of an otherwise lawful activity.

- The effects of Take are minimized and mitigated to the maximum extent practicable. (The applicant would, to the maximum extent practicable, minimize and mitigate the impacts of such taking.)

- Adequate funding is assured. (The Applicant would ensure that adequate funding for the HCP would be provided. The implementing regulations add: "and procedures to deal with unforeseen circumstances would be provided." The handling of unforeseen circumstances in the present proposed action is founded on written policy of the Departments of the Interior and Commerce. Unforeseen circumstances are discussed on page 3-158.)

- There is no jeopardy. (The taking would not appreciably reduce the likelihood of the survival and recovery of the species in the wild. This is a restatement of the jeopardy sandard also found in ESA Section 7.)

- Other measures will be implemented. (The Services must be assured that other measures will be implemented.)

The Services agree that the federal government's Trust Responsibility to the Tribes requires the federal government to consider and analyze the effects on certain resources that may be impacted by the proposed action. Responses to comments on that specific topic are provided elsewhere in this appendix. Nothing in this proposed plan is intended to limit or diminish the legal obligation and responsibility of the Services as agencies of the federal government.

The Services disagree with the interpretation that the context of relations under the Federal Trust Responsibility alters the criteria on which permits are issued. The Services believe the goals of ESA Section 10 and the Trust responsibilty owed the tribes by the federal government are compatible. The Tribes should be assured, as was presented to member Tribes at the

NWIFC Conference Center on June 12, 1996, that the Services have become acutely aware of the concerns of the Tribes regarding treaty resources. In that regard, the Services will comply with their responsibility under the federal Trust Doctrine to consider the effects of this and every action proposal on treaty-covered resources and continue to consult with the Tribes on these issues.

1. Incidental Take

Summary: The Services received one comment relating to incidental take as a permit issuance criteria. The Northwest Forestry Association asked that the Sweet Home Chapter of Communities for a Greater Oregon v. Babbitt decision as it applies to take in this HCP should be included in the document.

Response: Incidental Take is defined as take incidental to and not the purpose of the carrying out of an otherwise lawful activity (ESA Section 10(a)(2)(B), 50 CFR 17.22(b)(2) and 17.32(b)(2)). The Sweet Home case did not address incidental take. The Sweet Home case addressed the definition of prohibited "take" as suggested in the comment. The Sweet Home case upheld the ability of the Secretary of the Interior to issue regulations, such as the one that defines take of listed species. Accordingly, the Supreme Court of the United States upheld the present definition of take as that term is defined in ESA Section 3(18) and its accompanying regulations in 50 CFR 13 and 17.

2. Minimize and Mitigate

Summary: NWIFC questioned whether DNR could terminate the agreement early without adequately mitigating take that has occurred to that point in time. Northwest Ecosystem Alliance, WEC, and one individual wrote the HCP does not satisfy this issuance criterion. Washington Wilderness Coalition commented that Alternative C represents the greatest mitigation of the impacts of taking. A local group commented that Alternative B does not offer sufficient mitigation to justify issuance of an ITP.

Response: The question of an HCP proponent terminating early after incurring a "mitigation debt" has been raised for other HCPs. Pursuant to the IA, early termination by DNR is subject to the permit condition requiring that any past incidental take has been sufficiently mitigated by compensation measures implemented prior to termination. While the matter may be referred to Alternative Dispute Resolution, the Services may, at any time, utilize remedies available to enforce this permit condition. Such remedies may include enforcing provisions of the HCP until the subject mitigation debt is paid. As to the suggestions that the proposal does not minimize and mitigate the effects of take to the maximum extent practicable, a determination has yet to be made. The Services will assess each species, or group of species, or habitat type, to ensure that the impacts of take are minimized and mitigated to the maximum extent practicable prior to issuing any permit or entering into any unlisted species agreement.

3. Funding

Summary: WDFW asked if DNR will move funds around to cover budget shortfalls and for more details on how adequate funding for the HCP will be provided. WEC questions whether DNR can make the assurance that funding to implement the HCP will be available.

Response: Funding is discussed in the Implementation Agreement. To issue an ITP, the Services must be assured the applicant will adequately fund implementation of the proposed HCP. In the event that DNR is not appropriated sufficient funds to implement the HCP, the IA provides that the Services may suspend or revoke the permit.

4. Jeopardy

Summary: One individual commented that because of uncertainty and lack of knowledge, more than the minimum of habitat necessary for species survival should be maintained for their benefit. One commentor wrote that the measurement standard for jeopardy should be clarified.

Response: The jeopardy standard is defined in both Section 7 and Section 10 of the ESA and restated in the response to comments on ESA Section 10 Permit Issuance Criteria topic, (Section XIV B, above). No permit will be issued for a species that would be jeopardized by the proposed action.

C. DNR DECISION CRITERIA

Summary: State Representative Schoesser, the Washington State Association of Counties, Bogle & Gates (a consultant to Washington State University), Northwest Forestry Association, Washington Hardwoods Commission, The Mountaineers, two wood products companies, and five individuals commented on various aspects of the decision process. The state legislator stated that it is vitally important that questions and concerns from trust beneficiaries, elected officials, key stakeholders, and citizens are answered and abated before a final decision is made. The Washington State Association of Counties said that the HCP should meet the objectives of predictability and continuity. Bogle & Gates claimed that the Draft EIS did not provide adequate information for decision makers and was biased against Alternative A. An individual stated that the draft HCP lacked flexibility, and another individual said that the draft HCP offers certainty. A wood products company asserted that the information necessary to justify the decision, such as economic impacts to beneficiaries and benefits to fish of wider riparian buffers, is not yet available. The Washington Hardwoods Commission and another wood products company asked that other studies be considered before a decision is made. The Mountaineers suggested, given the complexity of the undertaking, it is good idea to delay approval in order to carefully consider the whole process. An individual urged that the Board of Natural Resources not to delay its decision, but to make the decision on the basis of what is known at this time. One individual expressed concern about what parties or interest groups might influence the Board in their decision.

Response: The decision process has been, and will continue to be, in compliance with the requirements of NEPA and SEPA and other state laws and regulations which govern decisions made by the Board of Natural Resources. Two important reasons for these laws and regulations are: (1) open disclosue and dissemination of information regarding government actions affecting public resources; and, (2) citizen participation in the decision making process. DNR and the Services have provided many means (public meetings, public hearings, solicitation of public comments, and meetings of the Board of Natural Resources) for citizens, including elected officials and stakeholders, to ask questions and state their concerns. Special requests for information have been responded to by DNR and/or the Services. DNR has already published a preliminary draft HCP, a draft HCP, and a Draft EIS, and has made other

documents available to the public at meetings of the Board. Members of DNR's HCP management team have met with trust beneficiaries and stakeholders to answer their questions and address their concerns.

DNR believes that its HCP and Implementation Agreement provide predictability, continuity, flexibility, and certainty. These qualities are the foremost reasons motiviating DNR and other land managers in Washington state to enter into contractual agreements with the Services. These qualities are important factors that the Board will consider when making its decision.

DNR and the Services do not agree that the Draft EIS did not provide adequate information for decision makers and was biased against Alternative A. All important potential environmental, economic and social effects of the alternatives were addressed in the Draft EIS. The effects of the alternatives on revenue to the trusts were reported in a separate document that was distributed at a Board meeting and is available to the public. Such a report is not appropriate for an EIS. To eliminate potential biases, whenever possible the comparision of alternatives in the Draft EIS and reports to the trusts was based on an objective quantitative analysis of the alternatives.

Admittedly, there is much that scientists do not know about the management of ecosystems. Decisions regarding the management of natural resources are often difficult and complex and often must be made with imprecise or incomplete knowledge. DNR and the Services have collected the best available relevant scientific information to develop and assess DNR's HCP. The Board is carefully considering the information presented to them.

XV. MISCELLANEOUS COMMENTS

A. HCP LANGUAGE, LOOPHOLES, VAGARIES, AND TYPOGRAPHICAL ERRORS

Summary: Bogle & Gates (a consultant to Washington State University), the Muckleshoot Indian Tribe, NWIFC, Sierra Club Cascade Chapter, Environmental Resource Center, the National Audubon Society and two chapters, the Rivers Council of Washington, and nine individuals wrote that the HCP is compromised by non-committal language and/or "loopholes." Northwest Forestry Association commented that language such as "we hypothesize" or "it is difficult to predict" needs clarification, that quantifiable estimates of silvicultural practices should be made for the OESF, and that silvicultural/operational research is necessary to achieve biological goals. NWIFC recommended rewriting the portion of Chapter V of the draft HCP regarding research. They stated the research objectives, as currently written, are vague and a bit redundant. The Clallam County Commissioner suggested replacing the words "Nolan Creek" with "Goodman Creek" in the title of the "Hoh Agreement" on page IV.115 of the draft HCP. WEC said that vague language should not count as mitigation. The Washington Forest Protection Association suggested changing the word "extraction" to "production". An individual also provided lengthy editorial comments. An individual member of the Blue Ribbon Coalition suggested the first sentence of the Public Use subsection on page IV.171 of the draft HCP, should refer to DNR management of "public lands".

Response: Clarifying language has been added to Chapter V of the draft HCP. Some research objectives have been reworded to provide additional clarity. Restructuring the title of the "Hoh Agreement", as the commentor suggests, is not warranted as it would be incorrect.

During the course of preparation of the FEIS, the Services and DNR have focused their attention on addressing substantive issues, but agree that typographical errors and ambiguity can create difficulties with comprehensibility of any written material. Where possible, the Services have corrected errors and provided less ambiguous language. The document writers believe the descriptions of certain lands in the document by the designations used therein is standard and does not warrant revision.

With respect to commentors suggesting commitments have been vaguely or ambiguously described in the DEIS, the Services note the HCP applicants desire certain amounts of flexiblity with respect to the commitments they make in HCPs. However, commentors should be assured that all commitments made in an HCP are contractual and compliance with these commitments are conditions for permit issuance. Accordingly, noncompliance with those commitments can result in permit suspension or revocation or any of the other remedies provided in the ESA and its implementing regulations. Finally, as to any activity described as applicable, it is entirely at the discretion of the applicant (for example, as to placement, timing, and amount of mitigation) and will not be considered by the Services in assessing the application nor in making findings under Section 10(a)(2)(B) of the ESA.

B. STATE REGULATIONS

Summary: The Washington State Association of Counties, Northwest Forestry Association, Washington Forest Protection Association, Washington Hardwoods Commission, seven other representatives of the timber industry, and nine individuals presented concerns related to state regulations. The majority of comments pertained to Washington Forest Practices Rules for riparian management zones. The Washington State Association of Counties stated that one objective of the HCP should be "minimum Forest Practice Board regulations." Northwest Forestry Association suggested that Washington Forest Practices Rules be considered as an alternative. The Washington Hardwoods Commission, Washington Forest Protection Association, and several other representatives of the timber industry stated that the Forest Practices Rules provide adequate protection for fish and wildlife and requested that DNR not increase the level of protection in its HCP. Several representatives of the timber industry were concerned that the riparian conservation strategy described in the draft HCP might influence the Washington Forest Practices Rules and lead to stricter requirements for the protection of riparian areas on private land. One individual asked that funding be increased for enforcement of regulations, and another suggested that DNR switch to cooperative best management practices. Northwest Ecosystem Alliance said that the draft HCP fails to meet state requirements to "ensure the continued long-term existence, distribution and protection of listed species."

Response: The HCP is the principle document supporting DNR's application for incidental take permits and unlisted species agreements. The Services can issue incidental take permits and unlisted species agreements if, and only if, the HCP satisfies the criteria listed in Section 10 of the ESA. Early in the development of DNR's HCP, the Services informed DNR that an HCP Alternative premised entirely on minimum practices described in the current Washington

Forest Practices Regulations would be insufficient to enable the findings necessary for ITP issuance and unlisted species agreements.

It is the responsibility of the Washington Forest Practics Board to determine what regulations are necessary to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty coincident with the maintenance of a viable forest products industry. Funding for the enforcement of forest practices regulations is beyond the scope of the proposed action.

C. WASHINGTON FOREST PRACTICES RULES WATERSHED ANALYSIS

Summary: NCASI and the Washington Forest Protection Association were disappointed that watershed analysis was not used for the draft HCP's riparian conservation strategy. An individual asked that DNR acknowledge that watershed analysis will be performed on almost all DNR-managed lands during the course of the agreement. Bogle & Gates (a consultant to Washington State University) said that a major omission of the draft HCP and Draft EIS was a meaningful analysis of the role of Watershed Analysis under Alternative A.

Response: For some purposes, in particular hydrology, Washington Forest Practices Rules Watershed Analysis is thought to provide adequate protection of public resources. For other purposes, in particular wildlife conservation, the Watershed Analysis process is clearly inadequate. There is no module for wildlife in Washington Forest Practices Rules Watershed Analysis. Regardless, using Watershed Analysis for DNR's HCP was considered impractical because of the long time period necessary to complete analyses of the many WAUs that contain DNR-managed lands in the west-side planning units. For this reason, the use of Watershed Analysis was eliminated from the list of reasonable alternatives, although DNR does commit to participate in Watershed Analysis and adopt the resultant guidelines if they are more constraining that the HCP strategies. This commitment includes participation in priority watersheds identified by NMFS.

D. HCP COMMITMENTS

Summary: NWIFC, Port of Port Angeles, the National Audubon Society, Sierra Club, WEC, Rivers Council of Washington, three local environmental organizations, Bogle & Gates (a consultant to Washington State University), and 59 individuals commented on the commitments of the draft HCP and/or draft IA. Fifty-one individuals used an identical form letter to comment. The most common concern was that some conservation measures in the draft HCP are compromised by such language as "practicable", "economically reasonable", and "consistent with trust obligations." Commentors used such phrases as "noncommittal", "ambiguity", "vague", "loopholes", "double-speak", and "weasel words" to express their concerns.

Response: Where a particular mitigation measure or management prescription is noncommittal, the Services have not relied on that measure in assessing the merits of the HCP. As reflected in the Purpose and Need statement of the draft EIS, DNR has a duty to produce the most substantial support possible over the long term for the trusts. DNR intends to follow the guidelines presented in the HCP, but realizes that inevitably management situations will arise where the guidelines are, for operational reasons, completely impracticable. This could place an unreasonable burden on DNR's management and be

contrary to its trust obligations. Therefore, for some mitigation measures or management prescriptions, DNR must insist on noncommital language to account for such situations. In order to strengthen the commitments of the HCP, the words "economically reasonable" have been replaced with the word "practicable" wherever they appear in the draft HCP.

E. PRESIDENT'S NORTHWEST FOREST PLAN

Summary: American Rivers, Northwest Ecosystem Alliance, and 11 individuals recommended DNR use the standards and guidelines for Riparian Reserves contained in the President's Northwest Forest Plan for its HCP. In particular, these organizations and individuals recommended 300-foot no harvest buffers on all fish-bearing streams. Several individuals characterized the standards and guidelines of the President's Northwest Forest Plan as the minimum essential to protect the original forest ecosystem or the minimum protection as determined by the ESA. One individual said that the standards and guidelines in effect on federal lands are detrimental to the total value of forested land.

Response: The Services believe federal land management plans serve a different role than nonfederal land conservation plans. It is federal policy to be more conservative on federal lands. However, nonfederal lands are very important for some species and conservation must occur on these nonfederal lands as well, if some of these species are to be recovered. It is federal policy to be less conservative, and therefore assume more risk, on nonfederal lands. Thus the Section 10 HCP process allows the incidental take of threatened and endangered species, but the level of incidental take must not preclude recovery of the species addressed in the plan.

F. PROPOSED FEDERAL RULES

Summary: The Muckleshoot Indian Tribe commented the FEIS should include an additional alternative which assesses the impacts that could occur if the USFWS issued a 4(d) rule relieving private landowners from northern spotted owl take restrictions.

Response: The Section 7 consultation report on the issuance of DNR's HCP will include an evaluation of the environmental baseline. If the 4(d) rule for nonfederal landowners is final before DNR's HCP, the effects of the 4(d) rule on the northern spotted owl will be part of the environmental baseline. Also, see responses to comments on the spotted owl on pages 3-62 through 3-105 in this section.

G. DNR's FOREST RESOURCE PLAN

Summary: WDFW, NWIFC, a county commissioner, the Northwest Forestry Association, The Mountaineers, Bogle & Gates (a consultant to Washington State University), and one individual had comments related to DNR's Forest Resource Plan. WDFW asked how the HCP will affect the Forest Resource Plan goal to avoid harvesting stands that are less than 80 years old. Based on the tribal policy presented in the Forest Resource Plan, NWIFC encouraged DNR to consult with tribes when making land-management decisions and to protect treaty resources when it makes those decisions. A county commissioner claimed that DNR policies in excess of current state and federal laws, in conjunction with a Memorandum of Understanding with the Hoh Tribe, have resulted in there being no timber sales in the Hoh-Clearwater Block. The Northwest Forestry Association believes that the draft HCP does not comply with the Forest Resource Plan because the plan provides direction for how to produce

income while protecting fish, water, and wildlife, but the draft HCP only provides direction for how to protect fish, water, and wildlife and makes little pretense of connecting income production with environmental protection. They also suggested that the Forest Resource Plan be further developed for consideration as an HCP alternative. Bogle & Gates, a consultant to Washington State University, suggested that current policies in the Forest Resource Plan, in particular those addressing riparian management zones, wetlands, wildlife habitat, endangered species, landscape planning, and applied research and monitoring form the basis for an adequate HCP, and it is difficult for them to identify any clear advantage of Alternative A over Alternative B. One individual stated that the Forest Practices Rules and DNR policies provide adequate protection for fish and wildlife and requested that DNR not increase the level of protection until these rules and policies prove to be inadequate.

Response: The Forest Resource Plan (p. 18-19) says that in western Washington the average rotation age will be 60 years and may range from 45 years to 100 years.

DNR and the Board of Natural Resources intend for their actions to be consistent with the policies, including the tribal policy, presented in the Forest Resource Plan. In fact, the HCP is an alternative means of implementing certain policies within the plan.

DNR's draft HCP is completely consistent with DNR's Forest Resource Plan. The Forest Resource Plan is a policy document. It was approved in 1992, but has yet to be fully implemented. Implementation of the Forest Resource Plan policies requires the development of specific management guidelines. Important to understanding DNR's need for increased regulatory certainty, the Forest Resource Plan is thoroughly inadequate for issuance of an ITP or unlisted species agreement. It does not contain the degree of management guidance required by the Services for an HCP.

H. FEMAT AND RECORD OF DECISION

Summary: Five individuals and two conservation organizations expressed their belief that the 1994 President's Northwest Forest Plan Record of Decision contains the minimum standards that should be used in DNR's HCP. Another three individuals specifically stated that the "no cut" buffers in the President's Northwest Forest Plan should be used in DNR's HCP. One individual pointed out that the HCP should incorporate the Forest Plan ROD for specialized forest products (poles, rails, landscape transplants, mushrooms, fruits, berries, and medicinal forest products). The Northwest Ecosystem Alliance stated that the buffers developed by the Scientific Analysis Team or some other scientifically defensible buffers that provide riparian protection should be incorporated into the HCP. One individual commented federal regulations are proving detrimental to the total value of forested lands.

Response: The Services note the Forest Ecoysystem Management Assessment Team (FEMAT) report and, subsequently, the issuance of the Record of Decision for the President's Northwest Forest Plan do not mandate prescriptive treatment on nonfederal lands. The President's Northwest Forest Plan Standards and guidelines were developed to address forest management on the covered federal lands. The Services do note that the timing of the release of the Scientific Analysis Team report, and its use in FEMAT, usually links it to FEMAT. The Service again notes that the HCP and associated application for an ITP are voluntary actions conducted by DNR to seek relief from restrictive regulations. The promulgation of

federal regulations and their impact on nonfederal lands within the State of Washington are beyond the scope of this project.

I. REMARKS REGARDING DNR HISTORY

Summary: Several individuals criticized past DNR management for harvesting too much old-growth forest, degrading wetlands, failing to act with a long-term vision, or not properly balancing resource protection and income for the trusts. Three individuals said that DNR has harvested 96 percent of its forests. One individual said that had the HCP been done earlier, the past disruption to timber harvest might have been avoided. One individual claimed that the financial return to the trusts has decreased substantially since Jennifer Belcher became Commissioner of Public Lands.

Response: DNR has a duty to produce the most substantial support possible over the long term to the trusts within the context of all state and federal regulations. DNR's forest management has, to the best of its ability, always complied with all state and federal regulations. Unfortunately, regulations intended to protect public resources are often reactive to destruction that has already occurred. The reactive nature of regulations is due, in part, to a lack of accurate predictive models that explain the impacts of management on fish, wildlife, and ecosytems. Only ten years ago, scientific understanding of how regional and landscape-scale forest management affects fish and wildlife populations was only rudimentary. As we come to a fuller understanding of these complex ecological processes, we will come to strike the proper balance between the production of commodities and the protection of ecosystems. Finding ways to strike this balance is the main mission of the OESF.

To satisfy its trust obligations, DNR must manage trust lands to generate revenue while complying with all state and federal regulations. DNR has harvested a large proportion of DNR-managed lands, but not 96 percent of the forest. These commentors erroneously arrived at this number because they misinterpreted information given on p. I.2 of the draft HCP. The draft HCP states, "of the 1,580,000 acres of DNR-managed lands covered by the HCP, approximately 1,520,000 acres are in timber production." Lands in timber production, or on-base lands, have not necessarily been harvested. Figure I.1 on p. I.3 of the draft HCP shows the age distibution of forest stands on DNR-managed lands. Approximately 10 percent are older than 100 years.

A large decrease in revenue occurred shortly after the federal listing of the spotted owl as a threatened species in 1990. Other short falls in timber harvest can be attributed to the federal listing of the marbled murrelet. Income from DNR-managed lands has increased since 1992. In fact, income from DNR-managed forest lands in 1995 was one of the largest amounts ever.

XVI. THE HCP PROCESS

A. HABITAT CONSERVATION PLANS

Summary: The HCP concept is supported by State Representative Mark Schoesler, the Elwha/Clallam Tribe, the Tulalip Tribes, the Muckleshoot Indian Tribe, Skamania County, Washington State Association of Counties, National Audubon Society and six chapters, WEC, Washington Native Plant Society, League of Women Voters, Northwest Biodiversity Center, The Mountaineers, GBA Forestry, Inland Wood Specialties, Washington Hardwoods

Commission, Western Hardwoods Association, Merrill & Ring, the Washington Forest Protection Association, Port of Port Angeles, an individual member of the Blue Ribbon Coalition, and 14 other individuals. On the other hand, American Rivers, the Environmental Resource Center, a professor at the University of Montana, and eight individuals commented the HCP is granting an exemption from ESA requirements for the next 100 years. Three individuals stated their belief that incidental take should not be allowed.

Response: The Services acknowledge the support expressed for the HCP process. The Services' disagree that approval of an HCP constitutes an exemption from the ESA. As expressed repeatedly herein, the ESA provides for the preparation of HCPs in Section 10. The Services ability to grant permission for incidental take was authorized under the 1982 amendments to the ESA. It is beyond the scope of the presently proposed action to determine whether the authorization of incidental take should be a part of the ESA.

B. PROPERTY RIGHTS

Summary: Stevens County Commissioner Anderson wrote that the HCP represents a "taking." Commissioner Anderson also commented that the ESA is a federal statute with application only in the District of Columbia and other Territories under federal jurisdiction, to the exclusion of all other lands.

Response: No factual or legal basis supports the notion that the HCP constitutes a "taking" of private property for a public purpose under the Fifth Amendment to the Constitution of the United States. The assertion that the ESA has no application outside of the District of Columbia or other jurisdictional protectorates of the federal government has no foundation in law or fact.

C. THE HCP AND OTHER ASPECTS OF THE ESA

Summary: Stevens County Commissioner Anderson and another individual commentor asserted that the ESA is currently under review and will be modified, suggesting that this may influence the validity of the HCP. Another individual commented the HCP and DEIS are not in compliance with ESA, Section 3, among others. One individual wrote DNR is not complying with the ESA and the HCP should at minimum comply with the standards in the "1994 Forest Compromise Plan and Record of Decision." Another individual wrote there must be a better policy for protecting owls than owl circles. The Washington Native Plant Society suggested that DNR should retain protective measures for plant species that were candidates for listing in the September, 1993 Federal Register notice. One commentor warned against doing anything that would weaken the protections of the ESA.

Response: The Services recognize that Congress must periodically reauthorize the ESA. However, the Services disagree that any amount of controversy surrounding this legislative process might "invalidate" any proposed or completed HCP. The proposed HCP is a long-term agreement that provides assurances for its duration against the possiblity that changing regulations could adveresly impact DNR's land management. The Services note that over the duration of the requested permit, regulations are as likely to become <u>more restrictive</u> as less restrictive. It is this regulatory uncertainty that several other HCP proponents have proferred as underlying their need to prepare an HCP under ESA Section 10 (e.g., Murray-Pacific HCP Amendment, Weyerhaueser Millicoma, ODF Elliott State Forest, Plum Creek Timber

Company). Therefore, a nonfederal landowner gains a greater amount of certainty for its planning and management under an HCP than by waiting for the machinations of Congress.

ESA Section 3 is a definition section. The Services disagree that this HCP proposal is out of compliance with any of the definitions contained in ESA Section 3. As for the comment regarding the "Forest Compromise Plan," the Services believe the commentor was referring to the 1994 Record of Decision for the President's Northwest Forest Plan and respond that the President's Northwest Forest Plan was meant to apply to the management of federal forest land in the range of the northern spotted owl. In fact, that set of planning documents recognized that nonfederal forest land in the range of the northern spotted owl would make different contributions to habitat conservation, and the completion and approval of HCPs was part of that vision.

The Services believe that in the absence of any better proposal, the use of owl circles is the best way to track owl home ranges to avoid unauthorized take. The Services do agree that there are different possible approaches as exemplified in the President's Northwest Forest Plan (which makes use of circles) and other previously approved HCPs which address the northern spotted owl.

The Services note that because this plan is proposed as an all-species habitat-based approach, all species of plants, listed and unlisted, are addressed by the HCP where they occur in habitats that are present on DNR-managed land that is protected under the proposed plan. The Services note that nonfederal land is usually not required to have a role in contributing to the conservation of listed plants unless such is required by state law and no such Washington State law exists. Furthermore, the proposal exceeds the No Action alternative in addressing plants.

Finally, the HCP process is enabled under the ESA itself and therefore cannot undermine the ESA.

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Section 3.3 Additional Tribal Comments

3.3 Additional Tribal Comments

The Services (NMFS and USFWS) have a trust responsibility to Native American Tribes and therefore considered their comments during the preparation of this FEIS. The comments of the Lummi Indian Nation, the Colville Tribe, the Skagit System Cooperative, and the Elwha Klallam Tribe are summarized and, where unique issues were raised, are responded to below. For similar comments already raised, the reader is referred to Section 3.2 of this document for the appropriate response. **(Note: the comments are presented following the same outline as section 3.2, however, only topics commented on are included.)**

Comments relating specifically to this HCP

I. GENERAL COMMENTS

Summary: The Lummi Indian Nation stated that the huge land ownership of DNR magnifies greatly the potential for failing to provide adequate oversight in an agreement that may be in place as long as half a century or more. The Elwha Klallam Tribe supported the aquatic and riparian sections of the OESF strategy. They further noted that other parts of the document appeared less convincing and, if implemented, may increase the risk of extinction to a number of species, including the northern spotted owl.

Response: The Services are aware of the considerable effort necessary to oversee such an agreement on 1.6 million acres. See Section 3.2 -- Compliance Monitoring. The Services also note both the support and concern expressed. The Service's believe the specific concerns are either addressed below by topic or in the corresponding topics in Section 3 of the FEIS.

II. DESCRIPTION OF AREA

Summary: The Colville Confederated Tribe recommended separate HCP's be prepared specific to the different ecosystems, citing the differences between the east- and west-side forests. They believed that the section of the HCP which deals with east-side forests is not adequate to ensure the long-term viability of fish and wildlife species, ecosystem function, or long-term productivity.

Response: The Services agree that the HCP does not address or provide ecosystem functions on the east side. The HCP only addresses listed species on the east side of the Cascade crest; it does not address multi-species (i.e., unlisted species) and is not adequate to provide complete ecosystem functions. Coverage would not be provided in the permit for those unlisted species on the east side.

III. ABIOTIC ISSUES

C. WATER

Summary: The Lummi Indian Nation stated that the proposed HCP does not address how it will meet the requirements of the Federal Clean Water Act. The Services have a responsibility to see that requirements of this act are followed and would not sign off on the HCP without meeting the criteria of this act.

The Colville Confederated Tribe commented wide-scale fertilization of forest lands has not been evaluated in the DEIS. Fertilization would likely result in increased stream pollution similar to that in farmlands and would likely be detrimental to water quality and could be harmful to fish.

Response: Issuance of an incidental take permit does not diminish the responsibilities or abilities of the federal government under the Clean Water Act. The permit does not provide an exemption to the requirements of that Act. An assessment is provided in the DEIS in sections 4.2.3, 4.3.2, 4.4.2, and 4.8. With regard to fertilization, the Services believe the impacts will be relatively minor. DNR expects to fertilize 30,000 to 115,000 acres in the first decade on the west side and 4,000 to 10,000 acres on the east side. Not all stands are likely to be in a condition where fertilization is a viable option. Take resulting from this activity would be covered by the permit.

IV. BIOTIC ISSUES

A. FOREST HEALTH/FIRE

Summary: The Colville Confederated Tribe wrote there was an inadequate assessment of selective harvest policies and ther forest-health effects.

They also stated that fire as a process and maintainer of ecosystem health and function is not addressed. Additionally, the environmental impacts of wide-scale fire suppression and its effects upon long-term species viability have not been addressed at all.

Response: DNR's HCP only addresses listed species east of the Cascade crest. The Services note that selective harvest may aggravate or alleviate forest-health problems depending on site-specific situations, the application of the techniques, and the perspective of forest health. Addressing this issue east of the Cascade crest is beyond the scope of the HCP.

DNR's draft HCP does address forest health issues on page IV.171-172. Underburning and a host of other activities may be used to address the issues of fire, disease, and insects. The Service agrees that forest health problems which are not addressed or exacerbated may lead to the listing of additional species.

A natural fire regime is desirable, but this requires caution to reinstitute where less than natural forest conditions currently exist. This is a complex issue which is beyond the scope of the HCP.

B. SPECIAL HABITATS

8. Riparian Ecosystem Components

e. HYDROLOGIC MATURITY

Summary: The Lummi Indian Nation cited over-harvest of old growth in the Nooksack Basin and channel instability. They stated that much of the instability can be attributed to stream importation of large amounts of sediment and water in peak flow situations. They state that the HCP does not provide adequate percentages of hydrologically mature forest, which is an important tool in reducing peak flow conditions.

Response: See Section 3.2, III, B, 8 -- Hydrologic Maturity

13. Habitat-based Approach

Summary: The Skagit System Cooperative noted the data imbalance between owls and murrelets and all the remaining species. They stated that dedicating serious effort and funding toward acquiring data about all potentially listed species and their habitats was necessary in order to maintain habitat for those species at a level that is adequate to avoid their becoming listed. For anadromous salmonids, they indicated that the goal should be maintaining the stocks at levels adequate to provide for a viable Tribal fishing industry. They disagreed with the assumption that providing an increased level of riparian protection will fulfill the needs of salmonids and a number of other aquatic dependant species, and they stated that this assumption is not backed up by data. While the riparian proposal may help the habitats of many species, it does not address the species-specific habitats and may fall far short of what is needed by any given species. They used the tailed frog as an example of such a species and also referred to passages in the documents addressing Dunn's and Van Dyke's salamanders. They further stated "there is neither logic nor data to support the notion that the strategy does indeed protect these or for that matter the rest of the species that may be listed in the future that this DEIS is attempting to cover."

Response: See Section 3.2, III, B, 13 -- Habitat-based Approach. The Services believe that in order to adequately address the needs of multiple species, the habitats of those species must be conserved. The DNR HCP, developed with technical assistance from the Services, focused on habitats rather than individual species. The assumption is that the species will benefit if adequate habitats are provided. Most species are dependant on riparian or wetland habitats during some stage of their life-history. Other species, although not dependant on riparian and wetland areas, can benefit from the availability of riparian habitats.

14. Unique Forest Types

Summary: The Colville Tribe indicated that ponderosa-pine ecosystems of the west are some of the most imperilled forest types, with an estimated loss of 92-98 percent of old-growth pine forests. They stated this was primarily due to selective logging and fire suppression and noted that the HCP recommends continuation of those activities--the very practices which have caused many of the forest-health problems so prevalent today.

Response: The Service notes that the HCP specifies amounts of owl habitat to be maintained in certain areas. The HCP does not address which silvicultural prescriptions will be used to achieve those conditions. The Services will make

technical assistance available to DNR, if needed, to assist in selecting techniques that are compatible with improving forest health while maintaining wildlife habitats.

D. ANIMALS

1. Wildlife

b. Birds

i. Sea, shore & wading birds

(A) marbled murrelets

Summary: The Lummi Indian Nation compared the incidental take granted to the Bureau of Indian Affairs through the Section 7 process to that proposed by DNR in the HCP. They believed that the rigorous definition of take in terms of numbers and statistical probability was lacking in the HCP. The Nation believed DNR's proposal sidesteps the issue of quantification of take. They referred to the proposal as a clear trade-off of trust responsibility for economics, which is unacceptable to the Lummi Nation.

Response: The focus of the murrelet strategy and assessment is based on the quality, quantity, and distribution of nesting habitat, rather than individual murrelets. See Section 3.2, III, D, 1, b. i, (A) -- Marbled Murrelets.

ii. Raptors

(A) spotted owls

<u>nesting, roosting, & foraging (NRF) habitat</u>

amounts

Summary: The Elwha Klallam Tribe noted that, while the HCP references riparian areas and unstable slopes as providing future owl habitat, riparian areas typically contain a high degree of edge (which may result in high mortality due to predation by species such as horned owls) and unstable slopes typically do not support the necessary habitat features for owls. Unstable slopes commonly contain low tree densities, low standing volumes, and deciduous species of trees and shrubs. It would appear that efforts to account for NRF areas through riparian and unstable slope areas are inappropriate.

Response: The commentor is correct. Narrow riparain areas alone will not provide owl habitat. Riparian areas will, however, contribute to owl habitat when they are adjacent to or surrounded by suitable habitat.

distribution

Summary: The Elwha Klallam Tribe agreed with the overall strategy of protecting available habitat adjacent to federal reserves, in spite of their concern about the permanency of the federal protection measures. They are also very concerned about the exclusion from any demographic support or dispersal roles in

both the Strait of Juan de Fuca and southwest Washington. This would appear to considerably increase the risk of local extirpation of owls on the Olympic Peninsula. The Tribe is opposed to policies which would lead to the local extinction of owls in the Straits area. The Elwha Klallam Tribe noted that the entire premise of the OESF is based on untested theories, especially that stand conditions can be manipulated over space and time to provide habitat. From a risk analysis standpoint, they believe it is prudent to protect the most important habitat in its entirety and rebuild connections to this habitat. They indicated indirectly that they, therefore, preferred an approach similar to the zoned approach.

Response: The Service believes it is appropriate to use the federal lands as a foundation upon which to base large-scale planning efforts. Nonfederal lands in southwest Washington and on the north coast of the peninsula were determined by analysis to be nonessential for spotted owls on the Olympic Peninsula. The OESF strategy is premised on the maintenance of 20 percent old forest and 40 percent suitable habitat in each of the 11 land scapeplanning units. The protection of the 20 percent old forest will likely occur near existing owl site centers.

iii. Passerines

Summary: The Colville Tribe commented the negative effects of wide-spread pesticide application are well documented in the literature and are implicated at least partially in the severe decline of neotropical migrants.

Response: The Service agrees that pesticide applications can have severe impacts. DNR has committed to retain their restrictive policies with regard to pesticide application. In addition, permit coverage for invertebrates would only be provided for aerial application upon approval of a site-specific plan by the Services.

d. AMPHIBIANS

i. Frogs

Summary: The Skagit System Cooperative indicated that the tailed frog may not be adequately addressed by the riparian strategy. The species prefers cold waters and has a narrow range of temperature tolerance. They cited the widespread extirpation of the tailed frog from areas presently inhabited by salmonids, and this would seem to contradict the notion that what's adequate for salmonids is adequate for other species.

Response: The Services believe that the protection for Types 4 and 5 streams in the HCP is adequate and these areas are the most likely to be inhabited by tailed frogs. In fact, those areas with salmon are less likely to maintain tailed frogs.

e. FISH

i. **Anadromous salmonids**

Summary: The Lummi Indian Nation said there is a trust responsibility for the federal agencies to work toward protection of a harvestable surplus of salmon and steelhead. The Skagit System Cooperative indicated, for anadromous salmonids, that the goal should be maintaining the stocks at levels adequate to provide for a viable Tribal fishing industry.

Response: The protection for fish under the HCP far exceeds the protection under current state regulations and should help achieve these goals. The Services believe that the riparain protection measures called for in the HCP will play an important role in restoring a harvestable surplus of salmonids. Riparian habitat functions are vital for a number of other species as well.

E. ECOSYSTEM HEALTH

Summary: The Colville Tribe noted the lack of comprehension of the holistic nature of ecosystems and the fact that systems of living communities are inter-dependent and inter-related. They further stated that many of the ecological processes such as insect infestations, forest diseases, and fire (both low-intensity and stand-replacing) are crucial to the continued existence of the ecosystem. To circumvent or discontinue the function of these ecosystem processes has led, and will continue to lead, to high risk where outcomes (including commodity production) are almost totally unpredictable.

The Colville Tribe indicated that ecosystem impacts cannot be mitigated, but need to be addressed. They cited the increase in knowledge about ecosystem management which has recently become available and indicated what is now needed is a combination of social and institutional decision-making that will allow communication and a clear vision. They do not believe the HCP provides that vision.

Response: The Services agree that better understanding will facilitate planning in the future. DNR's HCP, within economic constraints, addresses ecosystem function, riparian habitats, special habitats, and the full range of forest stages on the west side of the Cascades where coverage is provided for multiple species. On the east side, only certain listed species are addressed. The Service cannot require an applicant to provide coverage for additional species, only that the covered species be adequately addressed in terms of the Section 10 issuance criteria. The Services agree that an ecosystem-based approach to addressing multiple species is a preferred management scenario with benefits to both wildlife and long-term commodity production.

V. HUMAN ENVIRONMENT

C. CULTURAL

Summary: The Lummi Indian Nation said there is a trust responsibility for the federal agencies to work toward protection of access to other species and resources for cultural use by the Nation.

Response: The Services recognize their trust responsibilities toward the Tribes with respect to protecting wildlife and their habitats. The Services believe the conservation strategies present in the HCP will enhance and maintain habitats important to fish and wildlife species of interest to the Tribes.

VI. MANAGEMENT PRACTICES

A. AMOUNT OF HARVEST

Summary: The Elwha Klallam Tribe expressed concerned about the expected rate of harvest of existing [owl] habitat in the short term, especially in consideration of the long "lag time" to regrow suitable [owl] habitat. They were particularly concerned about the lack of evidence to support the theory that second-growth forests can be managed to provide suitable [owl] habitat.

Response: The length of time to grow forests is a primary limiting factor with respect to restoring habitats. The HCP will be a benefit to wildlife species because it will enable DNR to make long-term decisions with certainty and return the forests to a healthier state where economic extraction can occur in a dynamic fashion in balance with wildlife habitats and other values.

C. HARVEST METHODS

Summary: The Colville Tribe said there was an inadequate assessment of selective harvest policies and its forest-health effects.

Response: The Services note that selective harvest may aggravate or alleviate forest-health problems depending on site-specific situations, the application of the techniques, and the perspective of forest health. Addressing this issue on the east side of the Cascades is beyond the scope of the HCP.

E. RIPARIAN MANAGEMENT STRATEGY

Summary: The Elwha Klallam Tribe noted that the riparian management strategy is well thought out and scientifically justified. The Tribe supported buffering the entire stream network (including Type 5 streams) across the landscape. They believed that the HCP will help ensure the recovery of riparian habitat and form the basis of salmonid recovery on state lands.

The Elwha Klallam Tribe requested that the management objectives be more clearly defined. Specifically, they noted that the HCP refers to "the maintenance and restoration of salmonid habitat" without defining what that means. They believed this was a critical point because approximately 70 percent of the stream miles covered by the OESF are estimated to have been converted to monotypic stands of young red alder and, as such, will require active restoration to approach the conditions found prior to management.

The Lummi Indian Nation stated that DNR has classified many Type 3 streams as Type 4, when in reality those streams were salmon-bearing streams. They recommended that

DNR retype streams to reflect reality and that the retyping be subject to tribal review and consultation.

Response: The Services acknowledge the value of the riparian strategy for salmonid recovery. The Services and DNR have clarified many of the issues surrounding the riparian strategy and have instituted an adaptive management approach toward riparian areas.

The Service believes that many landowners have mis-typed streams, particularly by failing to recognize fish presence in many smaller streams. The DNR will retype streams classified prior to 1992 and will treat those Type 4 streams conservatively in the interim. DNR believes that the streams typed since 1992 have been typed with a greater degree of accuracy. The draft HCP contains language (page IV.170, fifth paragraph) regarding the verification of stream types and updating the database.

I. GROWTH & FERTILIZATION

Summary: The Colville Tribe commented that wide-scale fertilization of forest lands has not been evaluated in the DEIS. Fertilization would likely result in increased stream pollution similar to that found in farmlands and would likely be detrimental to water quality and could be harmful to fish.

Response: See response to Water Quality on page 3-10 in Section 3.2.

J. THINNING

Summary: The Colville Tribe took exception to the statement that "Most forest stands in the east-side planning units are of uneven age and, therefore, do not require precommercial thinning." They believed this to be a false and misleading statement. Due to fire suppression over the last 60-90 years, stocking levels have increased dramatically and created the multi-storied stand structures common throughout the region. This has affected the water balance of these sites, caused stress in the trees, and created an insect and disease problem, as well as a catastrophic fire hazard. The change in these stands has also modified the habitats of the species endemic to the region and likely changed the distribution and abundance of species. These changes in the long run will contribute to the listing of additional species. In light of this information, precommerical thinning is a mandatory management action which should be implemented to restore these forests.

Response: DNR's draft HCP does address forest health issues on page IV.171-172. Underburning and a host of other activities may be used to address the issues of fire, disease, and insects. The Service agrees that forest health problems which are not addressed or exacerbated may lead to the listing of additional species.

K. SALVAGE

Summary: The Colville Tribe indicated that salvage to stop disease or insect infestations in effect stops the fundamental processes which cycle nutrients that maintain and build the soil, create habitat, and form landscape patterns and stand structures upon which species depend. From an HCP perspective, salvage is only acceptable after the needs of

ecosystem processes are fulfilled. They indicated there is a conflict in the document between existing state laws and the intent of the HCP which needs to be resolved.

Response: The HCP was amended upon negotiation with the Services to better address the potential conflict between the HCP objectives and state laws regarding salvage (see Appendix 3 of this document). For example, salvage operations might be considered by DNR for reasons such as windthrow, fire, disease, or insect infestation. In fact, state statutes pertaining to salvage and forest health may require DNR to take certain actions. If it is determined that such activities would adversely impact the HCP conservation strategies, DNR and the Services shall identify additional mitigation that would allow the necessary activities to go forward.

L. RESTORATION/RECLAMATION

Summary: The Elwha Klallam Tribe requested the management objectives be more clearly defined. Specifically, they noted that the HCP refers to "the maintenance and restoration of salmonid habitat" without defining what that means. They believe this was a critical point because approximately 70 percent of the stream miles covered by the OESF are estimated to have been converted to monotypic stands of young red alder and, as such, will require active restoration to approach the conditions found prior to management.

Response: The revised HCP provides a better description of objectives as described throughout Chapter IV. It does not prescibe how every action would be conducted because of site variability and the potential for new information and techniques to become available. Regarding the OESF, approximately 70 percent of the riparian areas are either alder or conifer forests younger than 30 years. It is clear that with or without restoration, it will take many decades to return to near normal conditions.

M. ROAD MANAGEMENT

Summary: The Skagit System Cooperative believed the road management strategy for the rest of the HCP area (exclusive of the OESF) does not meet management and environmental concerns.

Response: The lack of current information regarding roads has lead the Services and DNR to an agreement whereby a road-management plan would be developed in the first dacade of the HCP which will address road location, construction, and maintenance standards, as well as landscape-level road issues such as density of open and closed roads.

P. OTHER PRACTICES

Summary: The Colville Tribe was concerned about the application of pesticides for insect control to protect timber values and indicated that spraying pesticides only treats the symptoms of a problem caused by unsound resource management policies and techniques (e.g., fire suppression). The negative effects of wide-spread pesticide application are well documented in the literature and are implicated at least partially in the severe decline of neotropical migrants.

Response: The Services agree that pesticide applications can have severe impacts. DNR has committed to retain their restrictive policies with regard to pesticide application. In addition, permit coverage for invertebrates would only be provided for aerial application upon approval of a site-specific plan by the Services. The Services agree that the preferred solution is to address the cause of severe outbreaks rather than widely applying insecticides.

VII. OTHER PLAN ELEMENTS

B. RESEARCH

Summary: The Skagit System Cooperative said the accuracy and adequacy of data about habitat for species (other than owls and murrelets) is very suspect and may be leading to erroneous fiscal and landscape conclusions. They used the tailed frog as an example of a species which has very specific habitat needs and might not be adequately addressed even if other species had been adequately addressed. The Cooperative stated that there are no specific plans tied to the HCP for gathering and evaluating data about each of the species and conditions targeted by the HCP.

Response: The HCP addresses a number of important forest-mangement questions that should benefit a host of species.

1. OESF

Summary: The Elwha Klallam Tribe notes that the entire premise of the OESF is based on untested theories, especially that stand conditions can be manipulated over space and time to provide habitat. From a risk analysis standpoint, they believe it is prudent to protect the most important habitat in its entirety and rebuild connections to this habitat. They indicated indirectly that they, therefore, preferred an approach similar to the zoned approach.

The Skagit System Cooperative took exception to the unique treatment of the OESF. They cited this as an example of data inequality, but also stated that it may reflect a different agenda. They specifically cited text from the HCP which states that the western Olympic Peninsula differs from other physiographic provinces in its unique combination of soil parent materials, precipitation and soil-saturation regimes, and windthrow characteristics. They disagreed with the "perception" this gives, provided an example of another area of the state with similar characteristics, and questioned why the OESF actions would not be conducted elsewhere. They believed that the solutions proposed for the OESF are more likely to succeed than the ones proposed for the rest of the state. Among other reasons, they cited Alternative B does not require buffers on Type 5 Waters, does require wind buffers in moderate potential for windthrow areas on the windward side only, and allows minimal or low harvest beyond the first 25 feet of the buffers. The Skagit System Cooperative also commented that the differences in road-management strategies further reflect the perception that the OESF is unique. They wrote the road-management strategy for the rest of the HCP area does not meet management and environmental concerns.

Response: Whether the OESF is "unique" is not the issue, but whether the prescription and strategies for the OESF are appropriate. The OESF will be treated differently than other planning units. The existence of areas which share some common characteristics will mean that the knowledge obtained on the OESF will have applicability elsewhere. Also at issue is, whether the prescriptions and strategies applied in the remainder of the west-side planning units are appropriate for the range of conditions found in those areas. Although the strategies employed may be different, the desired results are similar.

C. MONITORING/REPORTING

Summary: The Lummi Indian Nation wrote that the proposed monitoring is not adequate to deal with either the listed birds or the potentially listed salmon. They also criticized the monitoring as being primarily designed to allow relief in the form of relaxed mitigation.

The Elwha Klallam Tribe stated they were concerned about the lack of a strong monitoring component. They stated that this must be added and indicated this is another area for tribal cooperation. Without a monitoring component it will be very difficult to evaluate the overall success of the HCP.

The Skagit System Cooperative indicated the need for more details about the monitoring plan.

Response: The Services agree with the need for an adequate monitoring plan and intend to work with DNR in the development of such a plan. The Services have and will continue to coordinate with the Tribes during this process in fulfillment of the Services' Trust Responsibilities.

VIII. IMPLEMENTATION ISSUES

J. CONTINGENCIES

3. Adaptive-Management Techniques

Summary: The Lummi Indian Nation said there is no requirement for increased mitigation should the monitoring reveal greatly enlarged impacts on salmon or incidental takes of the listed species. They desired greater responsiveness to the results of monitoring.

Response: The Services note that there is greater ability to respond and adapt to changing conditions and new information in the revised HCP. This is especially evident in the riparian strategy.

K. TERMINATION CLAUSE

Summary: The Lummi Indian Nation was disappointed with the provision for termination upon 30 days notice. They believed that such a provision would allow the state to make promises for mitigation in return for substantial harvest of timber and, once the harvest was complete, walk away from the agreement without meeting those promises.

Response: DNR would be required to mitigate for any take imbalance upon early termination. This is described in greater detail in Section 3.2 of this document and in the IA.

IX. RELATIONSHIPS TO OTHER LAND MANAGEMENT

A. RELATIONSHIP TO MANAGEMENT ON FEDERAL LANDS

Summary: The Elwha Klallam Tribe supported the strategy of providing owl habitat adjacent to federal reserves but had concerns about other areas. Specifically, the Tribe is concerned about the permanency of federal protection measures. Short-term changes in the "political landscape" have the potential to seriously undermine the carefully crafted system of federal reserves in the President's Northwest Forest Plan. The recent approval of the timber salvage rider bill is a prime example of this concern.

Response: The Services also believe the strategy of supporting federal reserves is sound, and likewise recognizes some of the inherent trade-offs--particularly in large landscapes which lack a federal ownership component.

While several timber sales have been authorized by Section 2001 of the 1995 Rescissions Act (P.L. 104-19), the Services do not believe that the biological integrity of the President's Northwest Forest Plan has been significantly compromised as a result. The President's Northwest Forest Plan calls for an extensive system of Late-Successional Reserves, protection of riparian reserves, the maintenance of dispersal habitat throughout federal lands, and a monitoring program aimed at ensuring the effectiveness and validity of the plan.

Timber sales harvested pursuant to P.L. 104-19 are not expected to seriously affect the role of the President's Northwest Forest Plan as the foundation for conserving late-successional forest species. The majority of the timber sales released by Section 2001(k) of P.L. 104-19 were located in Oregon. Most of the 2001(k) sales that occurred in Washington were previously consulted on under the Endangered species Act for spotted owls and, from the owl's perspective, were considered harvested when the Service completed Section 7 consultation for spotted owls on the President's Northwest Forest Plan. Therefore, harvest of the 2001(k) sales in Washington have caused few impacts to northern spotted owls that were not previously considered by the Service. Likewise, a relatively small amount of suitable murrelet habitat was harvested as a result of P.L. 104-19, and all known occupied nesting habitat was protected consistent with the standards and guidelines of the President's Northwest Forest Plan and Section 2001(k)(2) of P.L. 104-19.

X. THIRD-PARTY INVOLVEMENT

A. TREATY RIGHTS AND THE FEDERAL TRUST RESPONSIBILITY

Summary: The Lummi Indian Nation objected strongly to the process currently underway to provide federal approval of DNR's proposed HCP covering timber harvests on lands critical for the production of resources reserved to the Tribes by treaty. They

believed this to be a clear violation of the Federal Trust Responsibilities, existing court decisions, and statutory mandates to protect resources reserved for the use of the Tribes.

The Lummi Indian Nation strongly disagreed with the manner in which consultation is being carried out by the Services with reference to DNR's HCP proposal and cited the Presidential Memorandum and the Secretarial Order on this subject. Specifically, they listed determinations that must be made regarding management measures which may affect the exercise of treaty rights.

Response: The Services have met, and will continue to meet, their trust responsibility to Native American Tribes. The Services have acted in accordance with the Presidential Memorandum and Secretarial Order. The Services have coordinated with Tribal fisheries experts through the Northwest Indian Fisheries Commission during preparation of the draft EIS as well as throughout the negotiation period. On June 12, 1996, the Services met with a number of Tribes and their representatives to discuss trust responsibility issues in regard to DNR's HCP. The Services recognize that the HCP program is new and there is still considerable misunderstanding regarding the issues surrounding the program. The Services plan to improve the understanding by all parties and to improve the mechanisms used to coordinate with the Tribes regarding trust resources and the actions which may affect them. See Section 3.2.X.B in this document.

B. TRUST RESPONSIBILITY TO TRIBES

Summary: The Lummi Indian Nation stated that each federal agency has a trust responsibility to Native American Tribes which cannot be avoided by reliance on flawed environmental studies by the state and accommodation of state interests in derogation of fiduciary duties of the federal government. Specifically, there is a trust responsibility for the federal agencies to work toward protection of a harvestable surplus of salmon and steelhead and protection of access to other species and resources for cultural use by the Nation. The HCP proposed by DNR seeks only to protect viable populations. It is totally silent on protecting harvestable surpluses.

The Skagit System Cooperative indicated, for anadromous salmonids, that the goal should be maintaining the stocks at levels adequate to provide for a viable Tribal fishing industry.

Response: The intent of the conservation strategies is to promote riparian function at normal levels. This should result in harvestable surpluses if other factors affecting salmonids are fully addressed in the rivers and the oceans and on other ownerships. The Services believe this HCP will benefit the salmonid resource and, as such, should benefit the Tribes.

XI. TRUST BENEFICIARIES

B. OBLIGATION TO FUTURE GENERATIONS

Summary: The Colville Tribe stated that it is necessary to align the production capability of the land to provide goods and services with the capacity of the land to produce over

time. They stated, "In essence we need to harvest the golden eggs without killing the goose."

Response: The Services agree with the commentor.

XII. PUBLIC INVOLVEMENT

B. COORDINATION

1. Tribes

Summary: The Lummi Indian Nation cited the U.S. Supreme Court in U.S. vs. Washington (1974) and related cases and said those cases provided that the Lummi Nation is a co-manager with the State of Washington and other Tribes in the Nation's usual and accustomed fishing grounds and stations. They proposed that where details of implementation are postponed for future planning or review the Nation be provided a role. They indicated that the HCP and IA failed to recognize a role for Tribal co-management and also failed to recognize the role of "the State's own primary management agency for salmon" [WDFW].

The Elwha Klallam Tribe formally requested that it be closely involved in the implementation of the HCP, including the development of the details which remain to be addressed in the future. They indicated that the monitoring plan, which still requires work, is another area for tribal cooperation.

The Skagit System Cooperative indicated that the lack of specifics with regard to implementation, monitoring, and adjusting lead one to distrust the success of the plan. The progress and changes that have taken place since the Forest Practice Rules and Regulations were first adopted 22 years ago, or for that matter since the Timber, Fish and Wildlife agreement was signed 9 years ago, should demonstrate the improvement possible in a few years in terms of understanding and management of all resources. They stated that it is irresponsible from both a scientific and a management perspective to lock into a plan as broad and vague as DNR's HCP.

Response: The Services began coordination with Tribal entities at an early stage in this process. The Services encourage further discussion regarding improvement of the process by which such coordination has occurred on this HCP-development process and will occur in the future. As the Services develop HCPs with future applicants and as issued permits and their respective HCPs are implemented, the Services look forward to a long and mutually beneficial relationship with the Tribes and hope to utilize their biological expertise to the benefit of the Services, the Tribes, and the resource.

XIII. NEPA/SEPA COMMENTS

E. ADEQUACY OF DOCUMENTS

Summary: The Lummi Indian Nation stated that the DEIS was severely flawed and cited the comments of other Tribes. The Colville Tribe indicated that, given the size and

technical complexity of the draft HCP and DEIS, an index would facilitate access to specific information. They also questioned whether Section 4.3 was included in the DEIS.

Response: Section 4.3 was included in the DEIS. The Services note the complexity of the document as well as the issues, but believe the DEIS adequately analyzed the provisions of the HCP.

XIV. APPROVAL/DISAPPROVAL

Summary: The Skagit System Cooperative stated that it is irresponsible from both a scientific and a management perspective to lock into a plan as broad and vague as DNR's HCP.

Response: Comment noted.

XV. MISCELLANEOUS COMMENTS

Summary: The Lummi Indian Nation cited the comments of other Tribes regarding the DEIS.

Response: Comments received from the Tribes were considered and included in this subsection. The Services note the support of the other commentors by the Lummi Indian Nation.

I. REMARKS REGARDING DNR HISTORY

Summary: The Elwha Klallam Tribe said it was refreshing to see that DNR has recognized the extent of past damages that have occurred on state lands and its important role in fostering recovery across the landscape.

Response: Comments noted.

XVI. THE HCP PROCESS

A. HABITAT CONSERVATION PLANS

Summary: The Lummi Indian Nation supported the concept of habitat conservation plans.

Response: The Services appreciate the support and look forward to continued and improved coordination with the Nation and other Tribes.

APPENDIX

1.

Appendix 1 - DEIS List of Commentors

Appendix 1. DEIS List of Commentors

The public comment period for the Draft EIS began on March 22, 1996 and ended on May 23, 1996. Federal and state agencies, tribes, environmental organizations, industry, elected officials, and the public were invited to comment.

During the public comment period, 41 people testified at five public hearings held throughout the state and 174 letters were received, representing 181 individuals.

Many of the comments addressed herein are clearly directed to the HCP. To be certain that they were adequately addressed, the comments were treated as NEPA comments in this document. Those comments will be further addressed in any HCP decison documents which may be prepared as a result of this proposal.

A. List of Commentors

Cities, Ports, Water Districts

Mayor, City of Port Angeles, Prosper Ostrowski
Port Angeles Commission, Glenn Beckman

Counties

Clallam County Commissioner, Phillip Kitchel
Stevens County Commissioner, J.D. Anderson
Metropolitan King County Council, Brian Derdowski
Prosecuting Attorney of Skamania County, Bradley Andersen
Washington State Association of Counties, Bill Vogler

Environmental Organizations

American Rivers, Jennifer Wilkie
American Rivers, Lorraine Bodi
Black Hills Audubon Society, David Jennings
Environmental Resource Center, Uriah Storm
Honor the Earth Children's Circle, Marcia Mannia
Honor the Earth Children's Circle, Mariah Mannia
National Audubon Society, Tim Cullinan
Northwest Biodiversity Center, James Bergdahl
Northwest Ecosystem Alliance, Dave Werntz
Rivers Council of Washington, Joy Huber
Salmonid Foundation, Charles Voss

Environmental Organizations (cont.)

Sierra Club, Charles Raines
Skagit Audubon Society, Elsa Gruber
Society for Conservation Biology, Jennifer Ruesink
Tahoma Audubon Society, Liz Lathrop
Tahoma Audubon Society, Judy Austin
The Mountaineers, Marcia Hanson
The Mountaineers, Dycke Kinder
The Wildlife Society, Ann Eissinger
Washington Native Plant Society, Jerry Davison
Washington Native Plant Society, Larry Hampson
Washington Wilderness Coalition, David Tilford
Washington Environmental Council, Becky Kelly
Washington Environmental Council, Bonnie Mager
Washington Environmental Council, David Mann
Washington Environmental Council, Julian Powers
Washington Environmental Council, Melanie Rowland
Whidbey Audubon Society, Thomas Campbell

Federal Agencies

U.S. Environmental Protection Agency Geo. Impl. Unit/Region 10, Richard Parkin
U.S. Department of Agriculture, Darin Houpt

Indian Tribes

Colville Confederated Tribes, Bill Gardiner
Elwa Clallam Tribe, Mike McHenry
Hoh Tribe, Jim Jorgensen
Muckleshoot Indian Tribe, Chantal Stevens
Northwest Indian Fisheries Commission, Janet Burcham, Bruce Davies, Eric Shott
Point No Point Treaty Council, Carol Bernthal
Squaxin Island Tribe, Jeff Dickison
Tulalip Tribe, Daryl Williams
Yakama Indian Nation, Caroll Palmer

Industry Associations

Cascade Hardwood, Doug Princehouse
GBA Forestry Inc., Glenn Ahrens
Green Crow, Harry Bell
Inland Wood Specialties, John Gottwald
Merrill & Ring, Grant Munro
Merrill & Ring, Joseph Murray
Merrill & Ring, Glenn Wiggins
Mount Baker Plywood, Tim Shannon
NCASI, George Ice
NCASI, Larry Irwin

Industry Associations (cont.)

Northwest Forestry Association, Bob Dick
Northwest Forestry Association, Ross Mickey
Northwest Timber Workers Resource Council, Gary Garrison
RD Behm Company, Jim Stolasyeph
SDS Lumber Company, Frank Backus
Washington Commercial Forest Action Committee, Ben Lonn
Washington Contract Loggers Association, Bill Pickell
Washington Forest Protection Association, Julie Thompson
Washington Hardwoods Commission, Paul Mccausland
Washington Hardwoods Commission, David Sweitzer
Western Hardwoods Association, Dick Behm
Western Hardwoods Association, Jack Moore

State Agencies

Washington State Department of Ecology, Marvin Vialle
Washington State Department of Fish and Wildlife, Robert Turner

State Legislative Delegation

House of Representatives, Mark Schoesler

Universities

Bogle & Gates, James Johnston - Washington State University Consultant
University of Montana, Vicki Watson
University of Washington Dept. of Geological Sciences, Rolf Aalto

Interested Individuals

Jana Allen
Kathryn Alexandra
George Andersen
Judith Austin

Victoria Bennett
Gretchen Blatz
Julia Brayshaw
Sheilagh Brown
Heather Brunelk
Matt Brunengo
Jasmine Burgett
Steve Burkett

Stacey Carr
Millie Chong
Welden and Virginia Clark
Laura Costell
Oliver Crew

Wendy Davis
Sanja Derda
Deane Drake

Robert Eggert

Kelly Feineman
Foster Fell
Charles Fisk
Lupito Flores
Dale Fortune
Adele Freeland
Mark Freeland

Brandon Galvez
Margaret Gaspari
Marcy Golde
D. Grace
Richard Grant

Claudia Haines
Diane Hall
Hansi Hals
Jay Ham
Bruce Harpham
Kevin Head
Kathleen Hedtke
K. Hoel
Walter Hoffmann
Christine Houden

Peter Idone
Bethany Ionta

Renee Jeffus

Interested Individuals (cont.)

Robb Kaler
Doxey Kemp
James Kidd
Scott Kinghorn
Yuri Koslen
Jacob Kostecka
Jeff Kotanchick

Koalani Lagareta
Mary Anne Leblond
Charles Lennox
Sarah Levy
Thomas Lewis
Chuck Lockhart
Mike Lucero

William MacArthur
Janine Michelsons
Virginia Michelsons
Carla Miller
Jane Montgomery
Jack Moore
Margaret Moulton
Charley Moyer
Thayn Moyes

Darren Nienaber
Donald Norkoski

Helen Nowlin

Jim O'Donnell
Aaron Ostsrom

Susan Parker
Dave Parks
Julie Pearson
Anna Pedrosa
Dale and Barbara Plewman
Rob Powers

Clay Raney
Tarym Rehn
Jill Reifschneider
Sylvia and Ken Retherford
Jennifer Richards
Anne Robison
Ethan Roga
Harry Romberg
Sue Rooney

Lynn Salmon
Scott Sagor
Elizabeth Seabacher
Brenda Senturia

Robert Simeone
Ron Smith
Bill Spring
David Spring
Willy Stark
William Steele
Jeff Stewart
Janet Strong
Scott Stumbaugh
Caleb Swift

Lee Telnackj

Robert and Celia Warren
Laura Weiss
Mark Wells
Tom Westergreen
Richard Whitmore
Hannes Willroth
Adam Wilson
Shawna Wittman

Kathy Zaiser
Oliver Zibel
Susan Zwinger

Other

ALS, Barbara Mossman
Blue Ribbon Coalition, Don Carey Jr.
League of Woman Voters, Peggy Bruton
Matt (No last name given)

APPENDIX

2.

Appendix 2 - Distribution Lists

Appendix 2. Distribution Lists

Draft EIS Distribution List

Federal

Environmental Protection Agency[1]
National Marine Fisheries Service
National Park Service, Pacific Northwest Region
US Fish and Wildlife Service
US Forest Service, Portland
Olympic National Park

U.S. Senate

The Honorable Slade Gorton
The Honorable Patty Murray

U. S. House of Representatives

The Honorable Norm Dicks
The Honorable Richard Hasting
The Honorable Jack Metcalf
The Honorable Linda Smith
The Honorable Rick White
The Honorable Jennifer Dunn
The Honorable Jim McDermott
The Honorable George Nethercutt
The Honorable Randy Tate

State

California Department of Forestry
Central Washington University Board of Trustees
Eastern Washington University Board of Trustees
The Evergreen State College Board of Trustees
Governor's Timber Team (Washington)
Maryland Forest Service
Oregon Department of Forestry
University of Washington Board of Regents
Washington State Board of Education
Washington State Department of Ecology
Washington State Department of Fish and Wildlife
Washington State Office of Archaeology and Historic Preservation
Washington State Parks and Recreation Commission
Washington State University Board of Regents
Western Washington University Board of Trustees

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[1] Names shown in bold and italics will received a complete set of the HCP and EIS. All others received Executive Summaries.

State Legislators

Senator Ann Anderson, Natural Resources Committee
Senator Kathleen Drew, Natural Resources Committee
Senator Jim Hargrove, Natural Resources Committee
Senator Mary Margaret Haugen, Natural Resources Committee
Senator Valoria Loveland, Democratic Caucus Chair
Senator Dan McDonald, Republican Caucus Leader
Senator Bob Morton, Natural Resources Committee
Senator Irv Newhouse, Republican Caucus Floor Leader
Senator George Sellar, Republican Caucus Chair
Senator Sid Snyder, Democratic Caucus Leader
Senator Harriet Spanel, Natural Resources Committee
Vic Moon, Research Analyst, Senate Natural Resources Committee
Cathy Baker, Fiscal Analyst, Senate Natural Resources Committee
Representative Marlin Appelwick, Minority Leader
Representative Clyde Ballard, Speaker of the House
Representative Bob Basich, Natural Resources Committee
Representative Barney Beeksma, Natural Resources Committee
Representative Jim Buck, Natural Resources Committee
Representative Ian Elliot, Natural Resources Committee
Representative Dale Foreman, Majority Leader
Representative Steve Fuhrman, Natural Resources Committee
Representative Bill Grant, Minority Caucus Chair
Representative Brian Hatfield, Natural Resources Committee
Representative Ken Jacobsen, Natural Resources Committee
Representative Lynn Kessler, Minority Whip
Representative Barbara Lisk, Majority Caucus Chair
Representative John Pennington, Natural Resources Committee
Representative Debbie Regala, Natural Resources Committee
Representative Tim Sheldon, Natural Resources Committee
Representative Val Stevens, Natural Resources Committee
Representative Brian Thomas, Natural Resources Committee
Representative Les Thomas, Natural Resources Committee
Representative Bill Thompson, Natural Resources Committee
Karl Herzog, Fiscal Analyst, House Capitol Budget Committee
Linda Byers, Research Analyst, House Natural Resources Committee
Nancy Stevenson, Fiscal Analyst, House Appropriations Committee
Bob Longman, Coordinator, House Finance Committee

County

Adams County Commissioners
Adams County Planning Department
Asotin County Commissioners
Asotin County Planning Department
Benton County Commissioners
Benton County Planning Department
Chelan County Commissioners
Chelan County Planning Department
Clallam County Commissioners
Clallam County Conservation District
Clallam County Planning Department
Clark County Commissioners
Clark County Planning Department
Columbia County Commissioners
Columbia County Planning Department
Cowlitz County Commissioners
Cowlitz County Planning Department
Douglas County Commissioners
Douglas County Planning Department
Ferry County Commissioners
Ferry County Planning Department
Franklin County Commissioners

County (cont.)

Franklin County Planning Department
Garfield County Commissioners
Garfield County Planning Department
Grant County Commissioners
Grant County Planning Department
Grays Harbor County Commissioners
Grays Harbor County Planning Department
Island County Commissioners
Island County Planning Department
Jefferson County Commissioners
Jefferson County Planning Department
King County Council
King County Council, Surface Water Management Division
King County Planning Department
Kitsap County Commissioners
Kitsap County Planning Department
Kittitas County Commissioners
Kittitas County Planning Department
Klickitat County Commissioners
Klickitat County Planning Department
Lewis County Commissioners
Lewis County Planning Department
Lincoln County Commissioners
Lincoln County Planning Department
Mason County Commissioners
Mason County Planning Department
Okanogan County Commissioners
Okanogan County Planning Department
Pacific County Commissioners
Pacific County Planning Department
Pend Oreille County Commissioners
Pend Oreille County Planning Department
Pierce County Council
Pierce County Planning Department
San Juan County Commissioners
San Juan County Planning Department
Skagit County Commissioners
Skagit County Planning Department
Skamania County Commissioners
Skamania County Planning Department
Snohomish County Commissioners
Snohomish County Planning Department
Spokane County Commissioners
Spokane County Planning Department
Stevens County Commissioners
Stevens County Planning Department
Thurston County Commissioners
Thurston County Planning Department
Wahkiakum County Commissioners
Wahkiakum County Planning Department
Walla Walla County Commissioners
Walla Walla County Planning Department
Whatcom County Council
Whatcom County Planning Department
Whitman County Commissioners
Whitman County Planning Department
Yakima County Commissioners
Yakima County Planning Department

Local

Seattle Water Department
City of Aberdeen, Department of Planning and Economic Development
City of Everett, Public Works Department
City of Forks, Economic Development Steering Committee
Port of Port Angeles

Tribal

Chehalis Tribe
Chinook Tribe
Cowlitz Tribe
Hoh Tribe
Jamestown S'Klallam Tribe
Lower Elwha S'Klallam Tribe
Lummi Nation
Makah Tribal Council
Marietta Band of Nooksack Indians
Muckleshoot Tribal Council
Nooksack Tribe
Northwest Indian Fisheries Commission
Point No Point Treaty Council
Port Gamble S'Klallam Tribe
Puyallup Tribe
Quileute Tribe
Quinault Nation
Samish Tribe
Sauk-Suiattle Tribe
Shoalwater Bay Tribal Council
Skagit Tribe

Tribal (Cont.)

Skokomish Tribe
Snohomish Tribe
Stillaguamish Tribe
Swinomish Tribe
Suquamish Tribe
Squaxin Island Tribe
Tulalip Tribe
Upper Skagit Tribe
Yakama Tribe

Libraries

Aberdeen Timberland Library
Antioch University of Seattle Library
Battelle Seattle Research Center Library
Bellevue Community College Library
Bellingham Public Library
Brewster Public Library
Burlington Public Library
Camas Public Library
Cathlamet City Library
Central Washington University Library
Central Washington University, Horticulture /Forestry Library
Centralia Timberland Library
Chehalis Timberland Library
Chehalis Tribe Library
Chelan Public Library
Cheney Public Library
Chewelah Public Library
City University, Bellevue Library
Clark College Library
Clark County Law Library
Cle Elum Public Library
Columbia Basin College Library
Colville Confederated Tribes Library
Colville Public Library
Davenport Public Library
Dayton Public Library
Eastern Washington University Library
Edmonds Community College Library
Ellensburg Public Library
Elwha S'Klallam Tribe Library
Enumclaw Public Library
Ephrata Public Library
Everett Community College Library
Everett Public Library
Evergreen State College Library
Fairwood Library
Forks Memorial Library
Fort Vancouver Regional Library
Fort Vancouver Regional Library, White Salmon Branch
Fort Vancouver Regional Library, Battle Ground Branch
Fort Vancouver Regional Library, Stevenson Branch
Foster Wheeler Environmental Library
Gonzaga University, Crosby Library
Georgia Pacific, Bellingham Division Library
Goldendale Public Library
Government Research Assistance Library
Grand Coulee Public Library
Grandview Community Library
Grays Harbor College, John Spellman Library
Green River Community College, Holman Library
Harrington Public Library
Heritage College Library
Highline Community College Library
Hoh Tribe Library
Hoquiam Timberland Library
Issaquah Library
ITT Rayonier Research Center Library
James River Corporation, Camas Technical Center Library
Jamestown S'Klallam Tribal LibraryJefferson County Rural Library
John A. Brown Library
Kalispel Tribe Library
Kelso Public Library
Kettle Falls Public Library
King County Library
King County Library, North Bend Branch
Kitsap Regional Library
Kittitas Public Library
Lacey Timberland Library
Longview Public Library
Lower Columbia College, Alan Thompson Library

Libraries (cont.)

Lummi Reservation Library
Makah Tribe Library
Mid Columbia Library
Mid Columbia Library,
West Richland Branch
Mount Vernon Public Library
Muckleshoot Library
Montesano Timberland Library
Natural Resources Building Library
Neill Public Library
Nisqually Tribe Library
North Central Regional Library
North Central Regional Library,
Republic Branch
North Central Regional Library,
Waterville Branch
Nooksack Tribe Library
North Seattle Community College Library
Northwest Indian Fisheries Commission
North Olympic Library, Forks Branch
North Olympic Library, Port Angeles Branch
Okanogan Public Library
Olympia Timberland Library
Olympic College Library
Omak Public Library
Othello Public Library
Pasco Public Library
Pend Oreille County Library
Peninsula College, John D. Glenn Library
Pierce College, Fort Steilacoom Library
Pierce County Library
Pomeroy Library
Port Gamble S'Klallam Tribe Library
Port Townsend Public Library
Prosser Public Library
Pullman Public Library
Puyallup Public Library
Puyallup Tribe Library
Raymond Timberland Library
Quileute Tribe Library
Quinault Indian Nation Library
Reardan Memorial Library
Renton Public Library
Richland Public Library
Ritzville Public Library
Roslyn Public Library
St. Martins College Library
San Juan Island Library
Sauk-Suiattle Tribe Library
Seattle Central College Library
Seattle Community College Library
Seattle Pacific University Library
Seattle Public Library
Seattle University Library
Sedro Woolley Public Library
Shoalwater Bay Community Library
Shoreline Community College,
Ray W. Howard Library
Skagit Valley College Library
Skokomish Tribe Library
Sno Isle Regional Library
Sno Isle Regional Library, Coupeville
Branch
Sno Isle Regional Library, Langley Branch
Sno Isle Regional Library, Stanwood
Branch
South Bend Timberland Library
South Puget Sound Community College
Library
South Seattle Community College Library
Spokane Community College Library
Spokane County Library
Spokane Falls Community College Library
Spokane Public Library
Spokane Tribe Library
Sprague Public Library
Squaxin Island Tribal Library
Stillaguamish Tribe Library
Suquamish Tribe Library
Swinomish Tribe Library
Tacoma Community College Library
Tacoma Public Library
Tri Cities University Library
Tulalip Tribe Library
Tumwater Timberland Library
University of Puget Sound,
Collins Memorial Library
University of Washington,
Allen Library
University of Washington,
College of Forest Resources
Library
University of Washington Library,
Government Publications
University of Washington, School of
Fisheries Library
Upper Skagit Tribe Library
U.S. Environmental Protection Agency,
Region 10 Library
Waitsburg Weller Public Library
Walla Walla Community College Library
Walla Walla County Library

Libraries (cont.)

Washington State Library
Washington State University, Environmental Science Library
Washington State University, Department of Forestry Library
Washington State University, Government Documents
Wenatchee Public Library
Wenatchee Valley College Library
Western Washington University, Huxley College Library
Western Washington University, Mabel Zoe Wilson Library
Weyerhaeuser Corporate Library
Weyerhaeuser Forestry Library
Weyerhaeuser Technical Center Library
Whatcom Community College Library
Whatcom County Library
Whitman College, Penrose Library
Whitman County Library
Whitworth College Library
Wilbur Public Library
William G. Reed Timberland Library
Winthrop Public Library
Yakama Indian Nation Cultural Center Library
Yakima Valley Community College Library
Yakima Valley Regional Library

Organizations

Audubon Society (state)
American Rivers
Beak Consultants
Black Hills Audubon Society
Boise Cascade
Bullitt Foundation
Buse Timber and Sales
Champion International
Columbia Gorge Audubon
Council of Presidents
Forest Land Management Commission
Foster Wheeler Environmental
Greater Ecosystem Alliance
Island Foresters
ITT Rayonier
Longview Fibre
Mantech Environmental
The Mountaineers
Murray Pacific
The Nature Conservancy
Northwest Forestry Association
Olympic Peninsula Foundation
Parametrix, Inc.
Pacific Lumber and Shipping
People for Puget Sound
Plum Creek
Pope & Talbot
Puget Sound Society for Conservation Biology
Resources Northwest, Inc.
Save Our Wild Salmon
Seattle Audubon
Sierra Club
Simpson Timber
Trout Unlimited
Washington Association of School Administrators
Washington Commercial Forest Action Committee
Washington Environmental Council
Washington Forest Protection Association
Washington Hardwoods Commission
Washington State Association of Counties
Washington State School Directors' Association
Washington Trout
Washington Wildlife Federation
Washington Wilderness Coalition
Western Ancient Forest Campaign
Western Forest Industries Association
Wild Salmon Center
The Wilderness Society
World Wildlife Fund
Wind River Logging Co.

Individuals

Katherine Baril
Bruce Barnum
Bob Benton
Colleen Berg
Alice Blandin
Cedar Blomberg
Jody Brower
Elsa Bruton
Lanny Carpenter
Tina Chan
Ellen Chu
John Clevenger, Jr.
Clifton Collins
Michael Collins
Lisa Dabek
Helen Daly
Jack Davis
Carolyn Dobbs
Harm Dotinga
Gene Dziedzic
Ronald Figlar Barnes
Jerry Franklin
Julie Garrison
Margaret Gaspari
Marcy Golde
Warren Groves
Tom Hamer
Janet Hardin
Kathleen Hedtke
Becky Herbig
Clayton Hobart
Richard Holthausen
James Karr
Jim Klinck
Joel Kuperberg
Kirk Lakey
Jeff Langlow
Darrell Linton
Mike Mackelwich
Jill Mackie
Larry Maechler
Joe Mennish
Charley Moyer
Grant Munro
Nancy Naslund
Dan Norkowski
Bill Null
Randall Payne
Bert Paul
Olemara Peters
Karen Peters Waldron
Charles Peterson
Alicia Pool
Martin Raphael
Ivan Redmund
Melanie Rowland
Robert Sager
Jim Schafer
Randy Scott
Jean Stam
Dave Stokes
Dan Stroh
Steve Tharinger
Ed Thiele
Sonjia Thompson
Linda Thomson
Neil and Milicent Turnberg
Brian Urbain
Aaron Viles
Paul Wagner
Roy Wagner
Jim Walton
Jeff White
Larry Williams
Shawna Wittman
Vim Wright
E. Zahn
F. R. Zimmerman

NOTE: Many organizations/individuals requested copies of the draft documents and Executive Summaries after publication and do not appear on the Draft EIS Distribution List. All such organization/individuals did receive draft documents and are included on the final EIS Distribution List.

Final EIS Distribution Plan

Federal

Congressman Norm Dick's Office
Environmental Protection Agency
EPA Geographic Implementation Unit
National Marine Fisheries Service
National Park Service, Pacific Northwest Region
Olympic National Park
US Department of Agriculture
US Fish and Wildlife Service
US Forest Service, Portland
Olympic National Park
Wenatchee National Forest

State

California Department of Forestry
Governor's Timber Team (Washington)
Idaho Department of Lands
Maryland Forest Service
Montana DNRC
Oregon Department of Forestry
University of Montana
University of Washington
Washington State Association of Counties
Washington State Association of School Administrators
Washington State Department of Ecology
Washington State Department of Fish and Wildlife
Washington State Office of Archaeology and Historic Preservation
Washington State Parks and Recreation Commission
Washington State School Directors' Association
Washington State University (consultant James Johnston)

State Legislators

Senator Ann Anderson, Natural Resources Committee
Senator Kathleen Drew, Natural Resources Committee
Senator Jim Hargrove, Natural Resources Committee
Senator Mary Margaret Haugen, Natural Resources Committee
Senator Bob Morton, Natural Resources Committee
Senator Harriet Spanel, Natural Resources Committee
Vic Moon, Research Analyst, Senate Natural Resources Committee
Cathy Baker, Fiscal Analyst, Senate Natural Resources Committee
Representative Bob Basich, Natural Resources Committee
Representative Barney Beeksma, Natural Resources Committee
Representative Jim Buck, Natural Resources Committee
Representative Ian Elliot, Natural Resources Committee
Representative Steve Fuhrman, Natural Resources Committee
Representative Brian Hatfield, Natural Resources Committee
Representative Ken Jacobsen, Natural Resources Committee
Representative John Pennington, Natural Resources Committee

State Legislators (cont.)

Representative Debbie Regala, Natural Resources Committee
Representative Tim Sheldon, Natural Resources Committee
Representative Val Stevens, Natural Resources Committee
Representative Brian Thomas, Natural Resources Committee
Representative Les Thomas, Natural Resources Committee
Representative Bill Thompson, Natural Resources Committee
Karl Herzog, Fiscal Analyst, House Capital Budget Committee
Linda Byers, Research Analyst, House Natural Resources Committee
Nancy Stevenson, Fiscal Analyst, House Appropriations Committee
Bob Longman, Coordinator, House Finance Committee
Mark Schoesler, House of Representatives

County

Chelan County Planning Department
Clallam County Planning Department
Clark County Planning Department
Columbia County Planning Department
Grays Harbor County Planning Department
Island County Planning Department
Jefferson County Planning Department
King County Office of Open Space
King County Planning Department
Kitsap County Planning Department
Kittitas County Planning Department
Lewis County Planning Department
Mason County Planning Department
Metropolitan King County Council
Pacific County Planning Department
Pierce County Planning Department
San Juan County Planning Department
Skagit County Planning Department
Skamania County Planning Department
Snohomish County Planning Department
Snohomish County Public Utilities District
Thurston County Planning Department
Wahkiakum County Planning Department
Whatcom County Planning Department

Local

City of Aberdeen, Department of Planning and Economic Development
City of Everett, Public Works Department
City of Forks, Economic Development Steering Committee
Port of Port Angeles
Seattle Water Department

Tribal

Chehalis Tribe
Chinook Tribe
Colville Tribe
Cowlitz Tribe
Hoh Tribe
Jamestown S'Klallam Tribe
Lower Elwha S'Klallam Tribe
Lummi Nation
Makah Tribe
Marietta Band of Nooksack Indians
Muckleshoot Tribal Council
Nisqually Tribe
Nooksack Tribe
NWIFC
Point No Point Treaty Council
Port Gamble S'Klallam Tribe
Puyallup Tribe
Quileute Tribe
Quinault Tribe
Samish Tribe
Sauk Suiattle Tribe
Shoalwater Bay Tribal Council
Skagit Tribe
Skokomish Tribe
Snohomish Tribe
Stilliguamish Tribe
Swinomish Tribe
Suquamish Tribe
Squaxin Island Tribe
Tulalip Tribe
Upper Skagit Tribe
Yakama Tribe

Libraries

Cenral Washington University Library
Colorado State University Libraries
Eastern Washington University Library
Everett Public Library
Gonzaga University, Crosby Library
King County Library
Lummi Reservation Library
Mount Vernon Public Library
Pierce County Library
Seattle Public Library
Tacoma Public Library
University of Washington Library, Government Publications
Washington State Library
Washington State University Library, Government Documents
Western Washington University, Mabel Zoe Wilson Library

Organizations

ALS
American Rivers
Audubon Society (state)
Beak Consultants
Black Hills Audubon Society
Bloedel Timberlands
Blue Ribbon Coalition
Boise Cascade
Bullitt Foundation
Buse Timber and Sales
Center for Wildlife Conservation
Champion International
Clallam Conservation District
Columbia Gorge Audubon Committee
Council of Presidents
Daily Journal of Commerce
EASY
Environmental Resource Center
Forest Land Management Commission
Foster Wheeler Environmental
Great Western Lumber
Greater Ecosystem Alliance
Green Crow
Honor the Earth Children's Circle
Independent Forest Products Association
Inland Wood Specialties
Island Foresters
ITT Rayonier
League of Women Voters
Longview Fibre
Louisiana Pacific
Mantech Environmental
The Mountaineers
Murray Pacific Corporation
National Audubon Society
Nature Conservancy
NCASI
Northland Cable News
Northwest Biodiversity Center
Northwest Forestry Association
Northwest Timber Workers Resource Council
Olympic Peninsula Foundation
Pacific Lumber and Shipping
Parametrix
Peninsula Daily News
People for Puget Sound
Pilchuck Audubon Society
Plum Creek Timber
Pope & Talbot
Puget Sound Society for Conservation Biology
Quilcene Ancient Forest Coalition
Resources Northwest Inc.
Ridolfi Engineers
Rivers Council of Washington
Rosholt, Robertson & Tucker
Salmonid Foundation
Save Our Wild Salmon
Seattle Audubon Society

Organizations (cont.)

Sierra Club
Simpson Timber
Skagit Audubon Society
Tahoma Audubon Society
The Wilderness Society
The Wildlife Society
Trout Unlimited
Washington Comm Forest Action Committee
Washington Contract Loggers Association
Washington Environmental Council
Washington Forest Protection Association
Washington Hardwoods Commission
Washington Native Plant Society
Washington Trout
Washington Wilderness Coalition
Washington Wildlife Federation
Western Forest Industries Association
Weyerhauser Company
Whidbey Audubon Society
Wild Salmon Center
Wind River Logging Company
World Wildlife Fund

Individuals

Gail Achterman
David Adams
Glenn Ahrens
Kathryn Alexandra
Jana Allen
Rolf Aalto
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Bradley Andersen
George Andersen
J.D. Anderson
Will Anderson
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Judy Austin

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J.R. Baker (no address)
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Greg Ballard
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Bruce Bare
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Bruce Barnum
Al Barr
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Bruce Baxter
Harriet Bealf
Kurt Beardslee
Bruce Beckett
Glenn Beckman
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Jay Bennett
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Colleen Berg
James Bergdahl
Steve Bernath
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Dick Best
Eric Bicker (no address)
Richard Bigley
Neal Birli
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Alice Blandin
Gretchen Blatz
Cedar Blomberg (no address)
Brando Blore
Lorraine Bodi
Tim Bodurtha
Yvonne Bonser
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Alexandra Bradley
Dave Braun
Denny Braun
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Norah Bringer
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Jody Brower
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Sheila Brown
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Peggy Bruton
Wayne Buck
Ron Buckholt
Janet Burcham
M. Burfitt
Jasmine Burgett
Steve Burkett
Paul Butler
James Byrne

John Calhoun
Melanie Caltrider
Christina Camara
Thomas Campbell
Kevin Campbell
Pearl Capalman-Baller
Don Carey Jr.
Betsy Carlson
Cathy Carnes
Lanny Carpenter
Stacey Carr
Bob Carson
Andy Castelle
Jeff Cederholm
Ed Chadd
Chuck Chambers
Christine Champe
Tina Chan
Melony Chapman
Jeff Chrisope
Rebecca Christie
Millie Chong

Individuals (cont.)

Ellen Chu
Janice Cimmer
Virginia Clark
Welden Clark
John Clevenger Jr.
Joan Clish
Laura Coffey
Brian Collin
Betsy Collins
Clifton Collins
Michael Collins
Andy Cooper
Brian Cooper
Alan Copsey
Charlie Cortelyou
Laura Costell
Steven Courtney
Douglas Couvelier
Oliver Crew
Hal Croft
Tim Cullinan
Herb Curl
Ned Currence

Lisa Dabek
Helen Daly
Bruce Davies
Larry Davis
Jack Davis
Wendy Davis
Jerry Davison
Dominick Dela Salla
Bill Delimont
Margaret Delp
Sanja Derda
Brian Derdowski
Mery-Lynne Derrington
Bob Dick
Jeff Dickison
Carolyn Dobbs
John Dodge
Harm Dotinga
Deane Drake
Bill Dryden
Keith Dublanika
Brett Dumbauld
Margaret Duncan
Gene Dziedzic

Chris Earl
Holly Earl

Pam Edens
Robert Eggert
Hans Ehlert
Ann Eissinger
Fred Ellis
John Ensminger
Jim Erckmann
Marty Ereth
Shelley Evans

Keith Fabing
Mark Faching
Kevin Farrell
Lori Farrow
Don Farwell
Kelly Feineman
Foster Fell
Martha Fergusson
Kevin Ferrill
Ronald Figler-Barnes
Charles Fisk
Richard Fleming
Lupito Flores
Randy Floyd
Tony Forhoff
Dale Fortune
Jeff Foster
Martin Fox
Dr. Jerry Franklin
Adele Freeland
Mark Freeland
Jim Freeman
Jeremy Freimund

Mike Gagner
Bill Gaines
Carol Lee Gallaghar
Brandon Galvez
Bill Gardiner
Gary Garrison
Julie Garrison
Patty Garvey-Darda
Margaret Gaspari
Kevin Geraghty
Eric Gilman
Frank Gladics
Domoni Glass
Lamont Glass (no address)
Jodey Goble
Marcy Golde
Ann Goos

John Gormon
Jerry Gorsline
John Gottwald
D. Grace
Richard Grant
Joel Green
Donna Griffiths (no address)
Warren Groves
Elsa Gruber
Dave Gufler
Chuck Gurrad
Jason Guthrie
Dan Guy

Angelica Hagen-Breaux
Claudia Haines
Tom Haislip
Diane Hall
Molly Hallock
Hansi Hals
Jay Ham
Tom Hamer
Stan Hamilton
Larry Hampson
Eric Hanson
Marcia Hanson
Janet Hardin
Bruce Harpham
Lisa Hartman
Peter Haug
Peter Havens
Dave Hays
Kevin Head
Kathleen Hedtke
Becky Herbig
Dale Herter
Carol Hiatt
Tim Hicks
Katrina Hibler (no address)
Marsha Hixson
Clayton Hobart
K. Hoel
Cat Hoffman
Walter Hoffman
John Hollowed
Richard Holthausen
Dennis Hosack
Ed Hosku
Jim Hotvedt
Christine Houden
Darin Houpt

Individuals (cont.)

Cheri Howe
Virginia-Lou Hoyt
Jack Hsien
Joy Huber
Carol Huerta
Ed Hunt
Glen Huntingford
T. Huntley (no address)
Tim Hyatt

Dr. George Ice
Peter Idone
Jenny Ingold (no address)
Rebecca Inman
Bethany Ionta
Larry Irwin

Renee Jeffus
David Jennings
Paul Jesky
Craig Johnson
Erin Johnson
Gary Johnson
Kurt Johnson
Randy Johnson
James Johnston
Milt Johnston
Bruce Jones
Frank Jongenburger
Jim Jorgensen
Nancy Joseph
Richard Just

Gary Kahn
Robb Kaler
James Karr
Rob Kavanaugh
David Keeley
Becky Kelley
Bob Kelly
Ken Kelly
Lawrence Kelly
Catherine Kelsey
Doxey Kemp
James Kidd
George Kiepke
Rick Kilpatrick
Dyche Kinder
Scott Kinghorn
Paul Kennard
Terry Kirkpatrick
Phillip Kitchel
Jim Kivlehau
Bruce Klanke
Jim Klinck
Yuri Kolsen
Jacob Kostecka
Jeff Kotanchick
Lois Krafsky
Jim Kramer
Paul Kriegle
M.J. Kuehne
Larry Kunzler
Elena Kuo
Joel Kuperberg
Keith Kurko

Koalani Lagareta
Kirk Lakey
Jane Lamensdorf-Bucher
Terry Lane
Sharleen Lane
Michael Lang (no address)
Jeff Langlow
Bill Larraunce
Kerri Larson
Liz Lathrop
Bonnie Lawrence
Monica Lawrence
Mary Anne Leblond
Mary Leitka
William Lenihan
Charles Lennox
John Leslie (no address)
Neal Lessenger
Michael Levitt
Sarah Levy
Thomas Lewis
Jim Lichotowich
Denise Ligouri
Darrell Linton
Chuck Lockhart
Susan Lockridge
Ben Lonn
Marti Louther
John Lowe
Mike Lucero
Jon Luedecker
Tim Lukus

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Mike Mackelwich
Jill Mackie
Jeff Madsen
Larry Maechler
Bonnie Mager
Chris Magill
Dave Malone
Eric Mandt
Ciff Mann
David Mann
Marcia Mannia
Maria Mannia
Steve Marble
Bob Martin
Mary Martz
Vicki Mastorides
Larry Mason
Ted Matts
Mark Mauren
Jim McCauley
Paul McCausland
Jim McCracken
Dennis McDonald
Jim McDonald
Lou McDonald
Pat McElroy
Mike McGinnis
Vanessa McGrady
Michael McGreevy
Mike McHenry
Brian McLauchalan
Steve Meacham
Robert Meier
Joe Mennish
Scott Merriman
Louis Messmer
Roy Metzgar
Phyllis Meyer
Hal Michael
Janine Michelsons
Virginia Michelsons
Ross Mickey
Ben Milgram
Carla Miller
Gary Miller
Fernie Missall
Alan Mitchnick
Mark Mobbs
Bruce Monell
Jane Montgomery
Jack Moore
Dale Morlock

Individuals (cont.)

Barbara Mossman
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Charley Moyer
Thayn Moyes
Grant Munro
Joe Murray

Nancy Naslund
Beth Naughton
Dan Neff
Hal Nelson
Randy Nelson
Michael Ness
Joan Nichol
Sally Nicholson
Darren Nienaber
Andrew Nisbet
Barry Noon
Don Norkowski
Chris Norred
Helen Nowlin
Bill Null

Chad Oliver
J.H. Olsen
Dan Onidal
Bruce Orr
Jim O'Donnell
Aaron Ostrom
Prosper Ostrowski

Caroll Palmer
Chuck Parker
James Parker
Susan Parker
Dave Parks
Richard Parkin
Scott Pascoe
Eva Patton
Bert Paul
Stuart Paulus
Joseph Pavel
Randall Payne
Julie Pearson
Anna Pedrosa
Jack Perdue
George Pess
Olemara Peters
Cherylynn Peterson
Charles Peterson

Karen Peters-Waldron
Pat Petuchov
Bonnie Phillips
Charles Phillips
Bill Pickell
Malcolm Pious
Barbara Plewman
Dale Plewman
Alicia Pool
Derek Poon
Charlene Post
Rob Powers
Julian Powers
Danielle Prenzlow
Doug Princehouse

Cheryl Quade
Robin Quenet

Charles Raines
Lisa Randlette
Clay Raney (no address)
Martin Raphael
Ed Rashin
Ivan Redmund
Kitty Reed
Mike Reed
Tarym Rehn
Jill Reifschneider
Sabrina Renn
Ken Retherford
Sylvia Retherford
Greg Reub
Jennifer Reusink
Nick Reyna
Patrick Reynolds
Jennifer Richards
Jim Richards
Bill Ritchie
Don Roberts
Dan Robinson
Dennis Robinson
Anne Robison
Mike Rochelle
Charlene Rodgers
Ethan Roga
Floyd Rogalski
Harry Romberg
Sue Rooney
John Rosapepe
Rufus Rose

Blake Rowe
Melanie Rowland
Craig Rowley
John Rumble
Patrick Ryan
Jim Rybock

Robert Sager
Scott Sagor
Ed Salminen
Lynn Salmon
Verice Santee
Jim Schafer
Raymond Scharph (no address)
Liza Schmitz
Mike Schnee
Eric Schott
Galen Schuler
Nathan Schumaker
Laura Scott
Randy Scott
William Scott
Dena Scroggie
Elizabeth Seabacher (no address)
Doug Self
Kim Sellers
Brenda Senturia
Anne Shaffer
Tim Shannon
Anne Sharar
Susan Shaw
Brian Shea
Samantha Sheffer
D. Shuett-Hames
Ron Shultz
John Shumway
Ruth Siguenza
Robert Simeone
G.S. Sims
Jill Silver
Gloria Skinner
Curt Smitch
Clint Smith
Gordon Smith
Larry Smith
Ron Smith
Blanche Sobottke
Curt Soper
Pete Soverel
Glen Spain
Robert Spence

Individuals (cont.)

Bill Spring
David Spring
William Spring
Jean Stam
Willy Stark
Tim Stearns
Bob Steele
Sara Steele
William Steele
Tony Steenkolk
Ken Steffenson
Len Sterner
Chantal Stevens
Naki Stevens
Jim Stevenson
Pat Stevenson
Michelle Stevie
Jeff Stewart
Rick Stewart
Tom Stewart
Dave Stokes
Jim Stolasyeph
Urian Storm
Dan Stroh
Janet Strong
Scott Stumbaugh
Ed Summerfield
Carolyn Sundby
Alice Sutton
Paula Swedeen
Dave Sweitzer
Caleb Swift
Larry Swift

Don Taggart
Bernice Tannenbaum
Dick Taylor
Scott Taylor
Terry Teale
Lee Telnackj
Lowell Thacker
Toby Thaler
Steve Tharinger
Ed Thiele
Jeff Thomas
Rachel Thomas
Joan Thompson
Julie Thompson
Les Thompson
Linda Thomson
Sonjia Thompson
David Tilford
Aaron Timss
Amy Tippery
Michelle Tirhi
Greg Tolbert
Diane Townsend
Ron Tressler
Sue Trettevik
Neil Turnberg
Milicent Turnberg
Robert Turner
Susan Turner
Ed Tuttle
Marnie Tyler

Brian Urbain

Dave Vagt
Roger Valdez
Peter Vanderhoof
Julie Verstey
Marvin Viale
Aaron Viles
Bill Vogler
Charles Voss

Paul Wagner
Roy Wagner
Mitch Wainwright
Alan Wald
Peter Waldrip
George Walter
Karen Walters
Jim Walton
Celia Warren
Robert Warren
Radley Wathow (no address)
Vicki Watson
Laura Weiss
Mark Wells
David Werntz
Mike Wert
Tom Westergreen
Russ Westmark
Dave Whipple
Dennis White
Jeff White
Steve White
Dr. Tim White
David Whitehead
Shawna Whitman
Richard Whitmore
Steve Whitney
Glenn Wiggins
George Wilhere
J. Wilkie (no address)
Jennifer Wilkie
Mary Wilkost
Daryl Williams
Larry Williams
Maurice Williamson
J. Willits
Hannes Willroth
Adam Wilson
Scott Wilson
Bobby Winington
Joe Winney
Richard Winters
Gary Witmer
Shawna Wittman
Chuck Wittman (no address)
Steven Witzel
Keith Wolfe
Dave Wolfer
Vim Wright
Mike Wrigley
Keith Wyman

Richard Young

E. Zahn
Kathy Zaiser
Dan Zender
Oliver Zibel
F.R. Zimmerman
Craig Zora
Susan Zwinger

Other

Matt (no last name given)