

Scoping Report

Purpose of Scoping Report

This scoping report has been prepared between the Washington Department of Natural Resources (DNR) and the U.S. Fish and Wildlife Service (USFWS) in expectation of an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) for amending the 1997 *State Trust Lands Habitat Conservation Plan* (1997 HCP) for the implementation of the long-term conservation strategy for the marbled murrelet.

This report documents many of the steps taken to develop a Draft Environmental Impact Statement (DEIS) for the LTCS. It describes the scoping process from 2006 to date.

Background

DNR manages approximately 1.3 million acres of forested state trust lands within the range of the marbled murrelet. To provide certainty that DNR's management of these lands, pursuant to its fiduciary obligations, complies with the Endangered Species Act, DNR adopted the 1997 HCP, which was approved by USFWS. The 1997 HCP, a seventy-year agreement, covers a number of federally listed species, including northern spotted owls, salmonids, marbled murrelets, and other species of concern.

At the time of adoption, the 1997 HCP included an interim conservation strategy for the marbled murrelet. This interim strategy was to remain in place until more scientific information could be collected on habitat on state trust lands and the marbled murrelet's biological needs to make the development of a long-term conservation strategy possible. Since the signing of the 1997 HCP, DNR and other agencies, including the Washington State Department of Fish and Wildlife, have been collecting such information on all state trust lands within the range of the marbled murrelet.

In 2006, DNR began the process of formulating a long-term conservation strategy. At that time, two HCP planning units were not included: North Puget and South Puget. This difference, in addition to the difference in need and purpose statements, distinguishes the 2006 scoping process from those that followed in 2012 and 2013 (outlined in the following sections). Since the comments during the 2006 scoping period related to DNR's long-term conservation strategy, they have been included here for consideration during the EIS process.

Since the proposal involves a single species within the exclusive jurisdiction of the USFWS under the Endangered Species Act, in January 2012, DNR and USFWS agreed to serve as co-lead agencies for the purposes of preparing an environmental impact statement on a proposal to amend the 1997 HCP to include a long-term conservation strategy for the marbled murrelet in all HCP planning units within the range of the murrelet. The joint development of an EIS is intended to eliminate duplication by the two agencies and avoid delay, while recognizing each agency's independent responsibilities under SEPA and NEPA. As such, DNR is serving as the lead agency for the State of Washington in preparing the EIS to comply with SEPA and USFWS is serving as the lead federal agency in preparing the EIS to comply with NEPA. This scoping report describes the scoping activities conducted for this proposal.

Scoping Process

The start of the formal NEPA and SEPA public scoping period initiates the public involvement aspect of the EIS process. Analysis of comments received during public scoping contributes to determining the scope, focus, and content of an EIS. Scoping helps the lead agency to identify a range of actions, alternatives, environmental effects, methods of assessment, and mitigation measures to be analyzed in depth. It also helps to eliminate issues outside the scope of the EIS. The public scoping period provides an opportunity for active participation from a variety of audiences, including proponents and opponents of a proposed action, and it encourages expression of thoughts and/or concerns during the decision-making process.

DNR and USFWS (the "Joint Agencies") have conducted scoping in two separate time periods for the long-term conservation strategy: once in 2006 and then from 2012 to the present. In 2006, the agencies held four meetings and collected public comments to scope a proposal for the long-term conservation strategy which included DNR lands in the Olympic Experimental State Forest (OESF), Straits, South Coast, and Columbia HCP planning units (referring to the boundaries delineated in the 1997 HCP). In 2012, the Joint Agencies expanded the proposal geographically to include the North and South Puget HCP planning units, thereby incorporating all DNR-managed lands within the range of the marbled murrelet into the proposal. They also adjusted the need and purpose statement and added five objectives.

During the second scoping process beginning in 2012, the Joint Agencies chose to utilize an expanded scoping approach consisting of two phases, each of which included respective public meetings and comments. In the first phase, agencies requested comment on a statement of the proposal's need, purpose, and objectives (NPO) to guide the creation of the long-term conservation strategy consistent with the commitments in the 1997 HCP. After consideration of public comments submitted during this phase, the Board of Natural Resources and USFWS approved a final version of the need, purpose, and objectives statement for the proposal to be used in the DEIS.

During Phase 2 of the same scoping effort, which occurred in 2013, the public commented on a proposal that described a set of alternative concepts, including a no action concept. The concepts included three distinct conservation approaches to a long-term conservation strategy, each of which sought to be consistent with the need, purpose, and objectives approved during the first phase of scoping.

■ Notice of Intent and Public Scoping Notice

On September 15, 2006, USFWS issued a federal Notice of Intent (Federal Register Vol. 71, No. 179) to conduct scoping as a joint agency, allowing for the development of a joint EIS. Also on September 15, 2006, DNR issued a Determination of Significance and Public Scoping Notice for the proposal to develop a long-term conservation strategy, indicating that an EIS would be prepared. After the scoping notices were issued, public meetings were conducted and public comments were received. The Joint Agencies have retained all comments received during each phase of the scoping process.

On April 20, 2012, USFWS issued a federal Notice of Intent to conduct scoping (Federal Register Vol. 77, No. 77), and DNR issued a Notice of Public Meetings and Request for Comments on the Scope of an Environmental Impact Statement Under the State Environmental Policy Act. This notice requested public comments related to a proposed statement of need, purpose, and objectives for the long-term conservation strategy.

On May 13, 2013, DNR issued a Notice of Public Meetings and Request for Comments on the Scope of an Environmental Impact Statement Under the State Environmental Policy Act, requesting public comment related to a set of conceptual alternatives for the long-term conservation strategy.

As a result of these notices and subsequent public meetings, the following public comments to date have been received:

- 2006 written scoping comments and public meeting notes
- 2012 Board of Natural Resources meeting public comments on the need, purpose, and objectives (March 2012, before scoping began)
- 2012 written scoping comments (formal comment period running April 20–May 21, 2012)
- 2013 written scoping comments (formal comment period running May 13–July 1, 2013)

■ Public Outreach

During the 2006 scoping process, the Joint Agencies requested information regarding several topics:

- Direct, indirect, and cumulative impacts that implementation of the proposed amendment or other alternatives could have on murrelets and other endangered and threatened species and their habitats
- Other possible alternatives that meet the purpose and need
- Information on murrelet ecology in southwest Washington and the Olympic Peninsula
- Potential adaptive management and/or monitoring provisions

- Funding issues
- Existing environmental conditions in the plan area
- Other plans or projects that might be relevant to this proposed project
- Minimization and mitigation efforts
- Baseline environmental conditions

DNR also requested comments on murrelet ecology in the central and north Cascades for their consideration, which could assist in developing the long-term conservation strategy in those areas.

For Phase 1 scoping in 2012, the Joint Agencies requested comments on the following topics, in addition to any other key issues or broad topics identified by commenters:

- Environmental issues that should be addressed based upon the proposal's NPO
- Issues to consider in developing alternatives that achieve the NPO
- Specific mitigation measures the Joint Agencies should consider to address identified issues or impacts;
- Impacts to elements of the natural and built environment resulting from the proposal that the Joint Agencies should evaluate
- Identification of additional environmental information, studies, or reports relevant to the development of the proposal

For Phase 2 scoping in 2013, the agencies requested comments on the same topics as those requested during Phase 1 in 2012 (see preceding list). In addition to any other key issues or broad topics identified by commenters, there was one additional issue on which the Joint Agencies requested comments:

- Any additional conceptual alternatives meeting the NPO that the Joint Agencies should consider

■ Public Meeting Notice and News Release

In order to inform interested members of the public of scoping meetings held during each scoping period, the Joint Agencies issued several notices and news releases.

In 2006, both the NEPA Notice of Intent and the SEPA Scoping Notice identified the dates, times, and locations at which four public scoping meetings would be held. Legal notice of these meetings was made in *The Olympian*, *Seattle Times*, *Bellingham Herald*, *The Daily News (Longview)*, and the *Peninsula Daily News (Port Angeles)* newspapers on September 17, 2006. Public notice of these meetings also was made

through issuance of a press release by on September 13, 2006. Two reminder press releases were then released on September 20 and 26, 2006. In addition, public notice of these meetings was made through emails and mailings of paper notices by the DNR to all those on the Forest Practices Division “Meeting Agenda” and “SEPA Notices” mailing lists maintained by DNR, which include affected tribes, municipalities, state agencies, organizations, and parties who have expressed interest in previous actions by DNR on forested state trust lands.

In 2012, joint public meeting notices were prepared and released by the Joint Agencies on April 13 and 19, 2012, and May 16, 2012. These releases also contained information about the scoping comment period and the long-term conservation strategy process. Notice of the public meetings was also posted on the DNR website and published in the statewide SEPA Register. A Notice of Intent regarding the meetings and the DEIS process was published in the Federal Register on April 20, 2012.

In 2013, the Joint Agencies prepared a news release for publication on May 16. The news release announced the Phase 2 public scoping meetings and was distributed to local news agencies. Notice of the public scoping meetings was also posted on the DNR website. In addition to these outreach efforts, an interested party letter was generated and sent both electronically and via the US postal service to tribes identified as stakeholders. Copies of the news release and interested party letter are provided on DNR’s web site at the address listed at the end of this document.

■ Website

In 2006, DNR provided details regarding public scoping on its web page, www.dnr.wa.gov.

For the 2012 scoping process, the DNR website provided scoping process and public meeting information on both a long-term conservation strategy page and a separate project page on the DNR SEPA Center website. The websites provided links to the scoping notice and other background documents, as well as details about the comment period and public meetings.

In 2013, as in 2012, the DNR website provided scoping process and public meeting information on both a long-term conservation strategy page and a separate project page on the DNR SEPA Center website. The links to additional background information and scoping meeting details also were included.

■ Public Scoping Meetings

The Joint Agencies hosted public scoping meetings at various locations around the state to inform the public about the long-term conservation strategy process and to solicit comments related to each stage of the scoping process (in other words, 2006, Phase 1 in 2012, and Phase 2 in 2013).

In 2006, the Joint Agencies held four meetings at the following times and locations in western Washington:

- September 26, 6:30 p.m. Forks—Olympic Natural Resources Center
- September 28, 6:30 p.m. Mt. Vernon—Best Western Cotton Tree Inn
- October 4, 6:30 p.m. South Bend—Willapa Harbor Community Center
- October 5, 6:30 p.m. Lacey—Lacey Community Center

In addition to the oral comments received at the public scoping meetings, ten scoping comment letters were received along with some written comments handed in at the meetings. The ten letters consisted of 30 pages of original input. The comments submitted in these letters have been summarized in the Issue Summary section of this appendix.

In 2012, the Joint Agencies staff conducted four public meetings at the following locations in western Washington:

- April 30, 6:00 p.m. Olympia—Natural Resources Building
- May 3, 6:00 p.m. Sedro-Woolley—Northwest Region Office
- May 8, 6:00 p.m. Cathlamet—Pacific Cascade/River Room
- May 9, 6:00 p.m. Forks—Olympic Region Office

The Joint Agencies solicited public comments as a part of Phase 1 of the scoping process related to the NPO. DNR received about 2,040 comment letters, with about 2,000 of them coming from Sierra Club members and containing similar content. DNR staff reviewed all comments and identified those that contained comments requesting specific changes to the NPO. Those comments are summarized in the Issue Summary section.

As part of Phase 2 of the scoping process related to the Conceptual Alternatives for the long-term conservation strategy, the Joint Agencies conducted four public meetings at the following locations in Western Washington:

- June 5, 5:00 p.m. Olympia—Natural Resources Building
- June 10, 5:00 p.m. Sedro-Woolley—DNR Northwest Region Office
- June 12, 5:00 p.m. Forks—DNR Olympic Region Office
- June 19, 6:00 p.m. South Bend—Pacific County Courthouse Annex

The Joint Agencies received 1,976 comment letters, with 1,905 of them coming from Sierra Club members and containing similar content. Most of the comments were sent by email, with a small number being sent

via U.S. postal service. There were 29 stakeholder groups that commented, including local and state agencies, tribes, and environmental and industry groups. There were 37 individuals who commented who were unaffiliated with any specific stakeholder group. The staff of the Joint Agencies reviewed all comments and identified those that contained comments specifically regarding the three proposed conceptual alternatives. Those comments, along with all other comments, are summarized in the next section.

Issue Summary

Issues identified during the scoping processes are separated below into the three different stages of scoping: 2006, Phase 1 in 2012, and Phase 2 in 2013. Regardless of when the comments were submitted, all comments were considered prior to drafting the DEIS.

Public comments received during the 2006 scoping process were summarized separately from the Phase 1 scoping in 2012 and the Phase 2 scoping in 2013. The primary reason for this separation was that the 2006 process covered a different geographic scope and a different need and purpose statement. (Refer to the previous section, Scoping Process, for additional details.)

■ Public Comment Summary 2006

This section includes specific comments made during the scoping process in 2006. The comments below are broken into general comment categories.

Habitat Conservation Plan/Conservation Strategy Proposal Development

Commenters suggested that the Long-term conservation strategy address the following issues:

- Compensating for timber harvesting on late-successional federal lands managed under the Northwest Forest Plan.
- Maintaining a global (landscape) perspective to consider activities on other ownerships.
- Developing a strategy that is not too broad and allows for site specific management.
- Meeting public interest in making the plan successful and fulfilling the objectives discussed in the factsheet provided at the public meetings.
- Developing a conservation strategy that ensures, through routine quantitative measurements, that marbled murrelet populations are stable or increasing, well-distributed, and resilient to natural disturbances and climate change.

- Developing a plan that is extensive, strong, and robust and does as much as possible for marbled murrelet recovery.
- Determining the long-term conservation strategy to be either more or less restrictive than the interim strategy with regard to marbled murrelet populations.
- Protecting all known occupied marbled murrelet sites.
- Balancing the needs of marbled murrelets with those of other species.
- Coordinating/integrating with other 1997 HCP conservation strategies, such as the riparian conservation strategy, in the process of creating this strategy.
- Incorporating OESF as an unzoned forest as specified in the HCP.
- Implementing the unzoned forest approach for ten years, then re-evaluating.
- Describing how the strategies for the South Puget and North Puget HCP planning units will be incorporated into the current HCP proposal.
- Considering alternatives that delay harvest in unsurveyed, higher-quality habitats until strategies for acquiring functional nesting habitat have been confirmed.
- Disallowing timber harvesting in unsurveyed areas (such as in the OESF) until field surveys can be completed.
- Analyzing options for reclassified (higher-quality) habitat areas other than harvest.
- Using innovative silvicultural options and define alternatives that are most likely to create desired suitable habitat in the shortest amount of time.
- Evaluating alternatives using multiple silvicultural pathways.
- Considering research done by the Olympic Natural Resources Center, University of Washington, and the U.S. Forest Service Pacific Northwest Research Station during the scoping process.
- Including an adaptive management plan for alternatives evaluated describing the outcome for any affected habitat areas should they be released for harvesting.

Additionally, a commenter suggested that DNR postpone work on the long-term conservation strategy until the Science Team Report has been completed and distributed and all field surveys and habitat inventories in the South and North Puget HCP planning units have been completed.

In addition, commenters noted that the long-term conservation strategy should contain the following components:

- Measurable outcomes
- Language on buffers
- Definitions of innovative silvicultural techniques that are quantitative, repeatable, and scientifically sound
- A standardized mitigation plan
- A monitoring/adaptive management plan with measurable objectives for recovery, provisions for plan reviews, research to test assumptions and the effectiveness of management actions, and corrective actions as needed
- Estimated amount of released habitat acres and a timeline for release

Environmental Impact Statement Contents

SEPA/NEPA— GENERAL PROCESS

A commenter suggested that there are several points to consider regarding the SEPA/NEPA process, specific to this project:

- Explain how this process integrates with that of the OESF planning process
- Include tribal involvement
- Ensure compliance with the Information Quality Act
- Describe the status of the trust lands and DNR's fiduciary responsibilities in the NEPA/SEPA document.

IMPACTS

Commenters suggested that the EIS address the following issues related to the potential impacts of the long-term conservation strategy:

- Impacts to other habitats, species, and ecological factors
- Impacts to recreation and other public interests
- Impacts to marbled murrelets from release of habitat
- Impacts from the interim strategy compared to projected impacts from the long-term strategy
- Impacts on revenue to trust beneficiaries

- Effects on income/job loss and revenue on the OESF, particularly on low-income and minority populations
- Impacts of DNR's action on other land owners, particularly those adjacent to DNR-managed lands
- Effects of innovative silvicultural techniques on revenue at a planning unit level and by trust
- Whether removing timber harvest lands from the market is jeopardizing the future of the industry
- Whether the revised strategy violates the Growth Management Act
- The effects of random catastrophic events and global climate change
- The cumulative impacts from other projects such as wind power development on state lands on the long term conservation strategy
- Effects on timber volume and value in deferred and released areas at the planning unit level for the OESF

Need for Additional Information

“More information about marbled murrelets is requested, in order to comment on an appropriate, scientifically credible LTCS [long-term conservation strategy]. Explain the habitat needs of the marbled murrelet and whether they have additional needs from those of the northern spotted owl.”

MARBLED MURRELET HABITAT—GENERAL

- Habitat protection should focus on areas with known high marine marbled murrelet population densities.
- Habitat protection should be focused on the landscape level with abundant, well-distributed habitats, as well as protection of unoccupied suitable habitat.
- If protection on federal lands is weakened, DNR will need to compensate for this change by providing additional marbled murrelet habitat protection.

HABITAT MODELS

- DNR should analyze conservation options using all current marbled murrelet habitat and identify priority landscapes for conservation.
- If the silvicultural models sometimes misclassify young forest stands with marginal conditions as old forest, DNR should not rely on this information to predict where conservation is appropriate.

- DNR needs to evaluate the accuracy of modeled habitat categories (and include validation techniques used, individual stand data used, and confidence intervals) for the proposed long-term conservation strategy recommendations.

HABITAT RESTORATION

- Having a conservation plan will streamline species and habitat management and improve habitat development and restoration.
- Protection and restoration efforts should address both current and future marbled murrelet habitat, but those habitat restoration efforts should not be used as mitigation for destruction of existing marbled murrelet habitat.
- DNR should provide an analysis of riparian zones as marbled murrelet nesting habitat and the amount of interior forest and the wind firmness of those riparian corridors.

MARBLED MURRELET SURVEY EFFORTS

- DNR should continue survey efforts to locate additional marbled murrelet habitat and allow those lands to be deferred from timber harvest.
- DNR should survey other important areas besides those for nesting.
- Models used to predict occupancy are unreliable and cannot replace field surveys to determine occupancy.
- If the survey effort was insufficient, it is possible that protection measures will be insufficient.
- The EIS should provide a comparison of marbled murrelet survey methodologies for designating occupied stands or determining habitat use and a discussion of the adequacy of the survey effort.

State Trust Lands

FIDUCIARY RESPONSIBILITY

- DNR should maintain or increase current sustainable harvest levels in affected counties and advocate for the trust beneficiaries while protecting the marbled murrelet. Fiduciary responsibility and ESA compliance should be equitably distributed over the state spatially and temporally.

ROLE OF TRUST LANDS

- Consider all the roles of trust lands, including conservation, revenue, and low-impact recreation and the importance of the role of forested state trust lands for conservation, not recreation, in the future.

TIMBER HARVEST

- DNR should consider forest management on state trust lands that emphasizes diversifying stands.

TRUST REVENUE

- DNR should estimate acreage of deferred lands and associated impacts to trust revenue. Many counties lack alternate federal lands for protecting marbled murrelet habitat where mitigation areas might be located.

■ Public Comment Summary—Phase 1

This section includes specific comments made during the Phase 1 scoping process in 2012. The comments mentioned below are broken into the main comment categories, which were related to the main topic of the Phase 1 process, the need, purpose, and objectives of the long-term conservation strategy.

Need, Purpose, and Objectives

OPPOSE THE NPO AS WRITTEN

“The appropriate Purpose and Need for the LTCS should be to contribute to the recovery of the Marbled Murrelet, as well as to comply with the requirements of the federal Endangered Species Act (‘ESA’) and the terms of DNR’s ITP and HCP. Instead, the current language of the proposed joint NPO Statement unreasonably narrows the scope of alternatives that will be evaluated in the EIS by couching the Purpose and Need of the proposal in terms of DNR’s financial interests.”

“The NPO Statement should focus on DNR’s need to comply with its incidental take permit (‘ITP’) and HCP by designing and implementing long-term conservation measures for the Marbled Murrelet on state trust land for the purpose of ‘help[ing to] meet the recovery objectives of the [USFWS], contribut[ing] to the conservation efforts of the President’s Northwest Forest Plan, and mak[ing] a significant contribution to maintaining and protecting marbled murrelet populations in western Washington over the life of the HCP’ (DNR 1997 at IV.44).”

“Furthermore, the USFWS should not adopt these statements as its own. Instead, as declared in the original EIS for the HCP, the USFWS’s statement of Need should reflect its responsibilities under federal law: ‘(1) to conserve listed species [and] their habitats...; and (2) to ensure compliance with the ESA, National Environmental Policy Act (NEPA), and other applicable federal laws and regulations,’ and not WDNR’s beneficences to its fiduciaries (WDNR 1998). The USFWS’s stated Purpose should also be simply to ‘determine whether the WDNR HCP, as amended by the LTCS for the Marbled Murrelet, satisfies the ESA Section 10 permit issuance criteria and other applicable laws and/or regulations.’ 77 Fed. Reg. 23,743, 23,744 (Apr. 20, 2012).”

SUGGESTED CHANGES TO NPO

“The need statement should be revised to read:

‘Need: To fulfill DNR’s obligation under the 1997 Trust Lands HCP to adopt a Marbled Murrelet Long Term Conservation Strategy.’

We believe this more accurately describes why the agencies are undertaking the project. Long-term certainty for timber harvest and other management activities may or may not be best achieved by continuing to operate under the terms of the HCP.

The statement of Need that we suggest clearly and concisely states the reason that DNR is undertaking this project without opening these issues up for further interpretation.”

This comment was contained in several comment letters from timber industry stakeholders: “We support the Purpose, Need and Objectives statement endorsed by the Board of Natural Resources. However, we think that it should be made clearer that each alternative must meet all five of the Objectives. Please add the phrase ‘which achieves all the following objectives’ at the end of the Purpose statement.”

Other commenters made similar suggestions, such as:

- “Proposed revision to purpose statement: To develop a long-term habitat conservation strategy for marbled murrelets on forested state trust lands in the six west-side planning units that will minimize and mitigate for any incidental take of this species, subject to the DNR’s fiduciary responsibility to the trust beneficiaries as defined by law and USFWS’ responsibilities under the ESA, which achieves all of the following objectives.”
- “Some clarification should be made as to whether each objective should be equally weighted, in addition, to whether all five objectives must be met. The presumption is that they should, but the document could be clearer in providing direction to that effect.”

Upon completion of the scoping phase, the Joint Agencies revised the NPO.

Related to Specific Objectives

OBJECTIVE #1: TRUST MANDATE

“The agencies need to maintain clarity about what the state’s responsibility is under the State Trust Lands Habitat Conservation Plan (HCP). The HCP requires ‘minimization and mitigation for any incidental take’ (HCP, Part IV, page 39). While the long term conservation strategy is likely to improve conditions for the marbled murrelet over time thereby contributing to the species recovery, the state’s responsibility is not to provide for recovery of the species. If the state and trust beneficiaries are required to manage for a standard higher than this, it is within the state’s authority to terminate the HCP and manage these lands utilizing a ‘take’ avoidance strategy.

The agencies should emphasize Objective #1 (Trust Mandate) and Objective #3 (Active Management) as a reasonable alternative. Within this context, the agencies should consider impacts to counties highlighted in Daniels 2004.”

“The HCP has already surrendered a substantial portion of the long-term productivity of the state’s trust land for species protection by modifying silvicultural treatments, extending rotation ages and providing set asides. These mitigations and protection measures will result in development of old-forest conditions over time in riparian areas, on steep and unstable slopes, and on other areas protected under the HCP. These protections will continue to benefit the marbled murrelet. The long-term conservation strategy must result in no decrease in the long-term and short-term harvests from the trust lands covered by the HCP.”

“Clarification should be made as to what ‘making trust property productive’ means. For example, under that objective, increasing the net present value could be argued to be ‘productive,’ but would result in the beneficiaries clambering for revenue if timber stands were left to simply mature thereby increasing their net present value. As there is no specific statement that addresses providing revenue to the beneficiaries, such a statement is either needed or clarification is required regarding the phrase noted above.”

“DNR should articulate on a trust by trust basis the economic impact the MM strategy will have on the trust revenue.”

OBJECTIVE #2: MARBLED MURRELET HABITAT

“Only one of five Objectives even mentions Marbled Murrelets (Objective 2). To ensure that viable alternatives for the LTCS are evaluated during the joint NEPA/SEPA process, the identified Objectives of the LTCS should ‘direct a strategy that will be useful in protecting and maintaining habitat, decreasing the risk of loss of suitable habitat, maintaining or increasing the reproductive success of the Marbled Murrelet, and increasing adult survivorship’ (DNR at IV.43).

To that end, the proposed Objectives for the LTCS should reference achievement of biological goals that will contribute to Marbled Murrelet recovery. Biological goals adopted in DNR's report entitled *Recommendations and Supporting Analysis of Conservation Opportunities for the Marbled Murrelet Long-Term Conservation Strategy* (‘2008 Science Report’) were developed to help meet the USFWS's recovery objectives, and also provide relevant language for the stated Objectives of the LTCS: ‘WDNR [should] manage forest habitat to contribute to the following three biological goals: a stable or increasing population, an increasing geographic distribution, and thus a population that is resilient to disturbances’ (USFWS 2011, Raphael and others 2008).”

“Clarification is needed as to why the Department would be required to exceed its obligations within the HCP in expecting the Department ‘to make a significant contribution to maintaining and protecting marbled murrelet populations.’ The inclusion of the word ‘significant’ could imply that the Department would be required to provide a greater share or contribution to the marbled murrelet beyond its legal requirements under the Endangered Species Act and within the HCP.”

“Proposed Revision:

Provide for Marbled Murrelet Habitat ... In accomplishing this objective, DNR expects to make a significant contribution to maintaining and protecting Marbled Murrelet populations:

- by utilizing the Northwest Forest Plan – the first 15 years (1994-2008) – Status and Trend of Nesting Habitat for the Marbled Murrelet (2011) and other pertinent research documents for guidance purposes;
- by implementing the recommendations contained in the Marbled Murrelet Science Team Report (Recommendations and Supporting Analysis of Conservation Opportunities for the Marbled Murrelet Long-Term Conservation Strategy) (2008) as appropriate; and
- by utilizing other relevant scientific resources and science-based practices as they may become available in the future.

By adding the above wording, the valuable body of scientific knowledge pertaining to Marbled Murrelet ecology would be properly referenced in the MMLTCS scoping document.”

“In general, the Proposal is acceptable except I am concerned the words ‘significant contribution’ in Objective #2 could obligate the State to requirements impossible to achieve and harm the Trusts financially. To date, not enough is known about the needs and impacts on the Murrelet in this State to make additional commitments. Presently there are considerable portions of State Lands set aside for species protections and there is no guarantee that adding more protections than what already exist will help the Murrelet.”

■ Public Comment Summary—Phase 2

During the Phase 2 scoping process, various stakeholders preferred different conceptual alternatives; for example, environmental stakeholders for the most part preferred Conceptual Alternative #1 over the other conceptual alternatives because it included the protection of all occupied sites.

The Joint Agencies were particularly interested in the five topics listed above in the *Public Outreach* section. Comment examples related to these topics are provided below in addition to comments related to other topics that commenters felt were important.

Comment Examples

There were some comments that addressed the issues included in the Phase 2 scoping notice; these comments are listed below. Commenters also had a wide range of opinions on the conceptual alternatives, as described in the Issues section that follows.

- Follow the recommendations in the 2008 Science Report; it is the best science available. (from Sierra Club and other conservation advocates)

- Protect all occupied sites with significant buffers. (from Sierra Club and other conservation advocates)
- Lands set aside for other conservation purposes, such as Natural Area Preserves, Natural Resources Conservation Areas, unstable slopes, etc., should be first areas reviewed/considered for marbled murrelet habitat conservation. (from American Forest Resource Council and other industry advocates)
- Buffers around marbled murrelet conservation areas should be managed areas, not no-touch set-asides. (from American Forest Resource Council and other industry advocates)
- Analysis of the long-term conservation strategy impact should be on a county-by-county basis. (from American Forest Resource Council and other industry advocates)
- All relevant research and economic data on the impact of conservation set-asides on the state economy should be considered, along with the impact on revenue to each of the constitutional trust beneficiaries and each timber county. (from American Forest Resource Council and other industry advocates)

In addition to receiving comments on the topics described in the scoping notice, the lead agencies also received comments on these topics:

- Interim strategy
- Management activities
- Need, purpose, and objectives
- Reasonable range of alternatives
- Trust responsibility
- Miscellaneous

Issues

Commenters noted their preferences on these conceptual alternatives, as well as on other topics (described in the “Comment examples: Topics not included in Phase 2 Scoping Notice” section).

RELATED TO NO ACTION ALTERNATIVE

There were strong opinions on this alternative from conservationists:

- “Abandoning the HCP would call into question many of DNR’s own commitments and policy goals,” including those protecting other species such as the northern spotted owl.

- CRANE commented that for the DNR “to shirk its responsibilities to the marbled murrelet suggests that it could do the same for all of its other commitments in the HCP.”
- Washington Forest Law Center (WFLC) commented that the “structure of the HCP and the analysis approving the HCP demonstrate that all of the species’ protections are intertwined and that removing the murrelet conservation program risks sacrificing the entire HCP.”

RELATED TO CONCEPTUAL ALTERNATIVE #1

Many commenters agreed with this conceptual alternative’s approach, that all occupied sites must be protected; these commenters pointed out that the variable buffer width approach, as described in the public scoping meetings, would be possible with reliable data.

The concern about reliable data was related to marbled murrelet predators, according to CRANE: “There is still much uncertainty about the interrelation between edge effects, fragmentation, and corvid behavior, and about the corresponding MM population responses. Although avoiding fragmentation is almost assuredly helpful, there have been no long-term studies to determine if, how quickly, and to what extent predator populations will continue to expand from edge areas into the forested interior.”

Some commenters thought that this alternative was most closely aligned with the trust objective, but only if the alternative was “refined to define high quality habitat and to ensure compliance with fiduciary responsibilities.”

RELATED TO CONCEPTUAL ALTERNATIVE #2

Many commenters, primarily those aligned with conservation groups, did not prefer this conceptual alternative. They explained that all occupied sites must be protected, not just most or all, and in all HCP planning units. Commenters agreed with the idea of conservation areas, as included in this conceptual alternative and in Conceptual Alternative #3, to protect murrelet habitat and decrease the edge effect.

Industry commenters disagreed with the inclusion of the OESF HCP Planning Unit in this conceptual alternative; they commented that DNR should not introduce special management areas for the murrelet in OESF. Another basis for industry commenters’ disagreement was their belief that the use of conservation areas to decrease edge is misguided, as the marbled murrelet is an “edge species and does not use the interior of the stands.”

RELATED TO CONCEPTUAL ALTERNATIVE #3

Regarding Conceptual Alternative #3, both conservation and industry commenters repeated their concerns about Conceptual Alternative #2. For example, commenters associated with conservation groups repeated concerns that all occupied sites must be protected and in all HCP planning units.

Industry commenters noted that this conceptual alternative was the next best alternative after Conceptual Alternative #1 since it “allows OESF to continue to operate as an unzoned forest.” Industry commenters also

repeated their concerns about decreasing edge, which in their view, is detrimental for the marbled murrelet. Lastly, industry commenters noted that while serving as set-asides, conservation areas will reduce beneficiary revenues to hard-hit counties in southwest Washington.

Comment Examples: Topics not Included in Phase 2 Scoping Notice

For the additional comment categories listed above in the “Comment Examples” section, examples of comments in each of these categories are included here.

INTERIM STRATEGY

Some commenters felt that while the interim strategy is in effect and the long-term conservation strategy is being developed, DNR should be applying the precautionary principle to avoid harming murrelet recovery. Further, commenters expressed concern that DNR’s current measures are insufficient for marbled murrelet recovery. Others saw the interim strategy as the starting point for a long-term conservation strategy.

MANAGEMENT ACTIVITIES

If the long-term conservation strategy results in a decreased volume target from that of the interim, some commenters advocated for a commensurate decrease in other HCP protections. Others expressed concern that there may be a surplus in habitat protected on state lands that should be released for management. Similarly, some of these commenters advocated that there should be no further reduction beyond the interim strategy in timber available for harvest from state-managed trust lands.

Other commenters supported the active management of stands to develop old-growth characteristics that would provide beneficial habitat for murrelets.

NEED, PURPOSE AND OBJECTIVES

Some commenters support the Joint Agencies’ intent to ensure alternatives meet all of the objectives under the NPO. They further expressed interest in alternatives that provide for commercially viable harvests.

Other commenters expressed skepticism that the Science Team Report meets Objective #1, since, in their view, the Science Team Report was completed without consideration for DNR’s fiduciary responsibility to the trusts.

REASONABLE RANGE OF ALTERNATIVES

Some felt a reasonable range would have to extend between more protective measures for marbled murrelets and fewer protective measures. They also felt measures should include protections that exceed those in the interim strategy. Others found little distinction between Conceptual Alternatives #2 and #3.

Other commenters recommended that the range of alternatives in the DEIS incorporate past, present, and foreseeable future events that have had both positive and negative impacts on the threatened species.

TRUST

Many commenters reminded the Joint Agencies that all trusts must be treated equally under the long-term conservation strategy. Some commenters proposed incentives to include within the proposal, such as:

- Allowing DNR logs to be exported
- Continuing logging of non-habitat areas
- Exchanging lands to compensate trust beneficiaries (in other words, encumbered lands legislation)

MISCELLANEOUS

Many commenters advocated for protecting resources such as old-growth trees because of other benefits such as providing clean air and water, sustaining a healthy climate, and supporting other wildlife species.

If the Joint Agencies pursue protection of state lands due to federal regulations, a commenter felt that the federal government must provide compensation for that loss of productive commercial forest. Others would like to see a plan that provides for the recovery of the marbled murrelet.

■ Comments Sent to USFWS

A considerable number of comments have been received by USFWS throughout the scoping process. The comments were diverse, but there were general patterns. Specific key areas of concern were expressed around certain impacts to the human and natural environments.

In 2014, the Sierra Club Northwest Office facilitated the mailing of a comment card to the USFWS Lacey Office that requested, in part, for USFWS to persuade DNR to adopt an aggressive conservation strategy that will recover marbled murrelets. As of October 2015, the USFWS has received 411 of these all similar comment cards.

Subsequent to the formal scoping process, in 2015 USFWS (and DNR) received a comment letter from the Washington Forest Law Center describing recent science around the marbled murrelet population decline and highlighting the role state lands play in recovery, noting the particular importance of the Straits and the need for habitat cohesion and restoration.

■ Public Comment Received at Board of Natural Resources Meetings (2015)

Staff from the Joint Agencies presented draft alternatives to the Board of Natural Resources on October 15, 2015. The drafts, as well as maps and supporting materials, were posted on the DNR website ahead of the meeting. Public comment received at the meeting highlighted the following points:

- Long-term forest cover that includes functional habitat for the marbled murrelet
- Concern over county revenue sources and potential impacts from marbled murrelet mitigation
- DNR's fiduciary responsibility to the trusts; long-term conservation strategy will have implications for state trust lands, including financial impacts to schools and counties
- Proposed look at other factors driving the change in marbled murrelet population
- Support for Alternative E (note: this is now Alternative F)
- Size of buffers on nesting sites (should be larger)
- Concern that habitat is allowed to grow and mature on state trust lands
- Need to share more information about the details of the alternatives
- Suggestion to combine Alternatives C and D

A second Board meeting was held November 3, 2015 to discuss the draft alternatives. The goal of this meeting was to get agreement from the Board to pursue a DEIS covering the five alternatives presented. Public comment received at that meeting highlighted the following points:

- Importance of the trust mandate, including funding of local services such as the Timberland Regional Library
- Retention of alternatives not meeting the purpose and need statement; support for Alternative F
- Support for combining Alternatives C and D; consider establishing a 150-meter buffer in a combined C and D alternative
- Suggestion to test more protective alternatives
- Concern that a large number of acres conserved would reduce sustainable harvest and impact school trusts
- Preservation of the intent of the OESF.

The Board of Natural Resources also received over 700 emails with identical text from individuals in Washington and around the country urging development of a long-term strategy and calling for marbled murrelet conservation and recovery.

■ Additional Information

Marbled murrelet project DNR web page: www.dnr.wa.gov/marbledmurrelet

Scoping notices and meeting materials can be found on DNR's website here: www.dnr.wa.gov/mmltcs

Washington Department of Natural Resources (DNR). 1997. Final Habitat Conservation Plan (State Trust Lands). Olympia, Washington. September. Available electronically at:

www.dnr.wa.gov/ResearchScience/Topics/TrustLandsHCP/Pages/Im_hcp_trust_land_report.aspx