



Olympic Forest Coalition

Promoting the protection, conservation and restoration of natural forest ecosystems and their processes on the Olympic Peninsula, including fish and wildlife habitat, and surrounding ecosystems.

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RE: QRCT T.S. 30-087251, File No. 12-08201; FPA 2612087

The Olympic Forest Coalition (OFCO) has serious concerns about this proposed timber sale adjacent to Occupied Marbled Murrelet and Old Forest habitat and with two Units in a Marbled Murrelet Management Area as proposed in what is commonly called the Science Report¹.

REQUEST:

While there is insufficient information in the SEPA documents to fully evaluate the direct and indirect risk of impacts to marbled murrelets occupied sites and their buffers, OFCO believes that enough is already known to probably require a Declaration of Significance. **OFCO recommends, however, that this sale be deferred until the adoption of the Long Term Marbled Murrelet Strategy, scheduled for some time in 2014, after which this sale must be reassessed under the new guidance.**

MARBLED MURRELETS:

STATUS:

This bird is listed as threatened by the US Fish and Wildlife Service under the federal Endangered Species Act. The most recent studies show the bird to have been declining at the alarming annual rate of 6.5% per year over the period from 2001 through 2010. This figure is for that portion of the outer coast of Washington north of Point Grenville.² Ending this decline is the most vital action to prevent the extirpation of the murrelet in Washington.

1 Recommendations and Supporting Analysis of Conservation Opportunities for the Marbled Murrelet Long-Term Conservation Strategy. Washington State Department of Natural Resources, Olympia, Washington. September 2008. Pages 3-37 to 3-59.

2 Scott F. Pearson, Martin G. Raphael, Monique M. Lance, and Thomas D. Bloxton, Jr. 2010 Washington At-Sea Marbled Murrelet Population Monitoring: Research Progress Report. Washington Department of Fish and Wildlife, USDA Forest Service. February 2011

POTENTIAL SALE IMPACT:

This thinning harvest has 8 units encompassing approximately 573 acres with 490 harvest acres; apparently all but one unit directly borders on the buffers of eight separate occupied murrelet sites. The harvest units are nestled among the occupied sites in and around this densely occupied river corridor area. All but one unit uses haul roads running through either the buffers or directly through occupied sites or both. While the risk to murrelet survival in the area may not be high, it would be severe, if it's impact were to occur.

Several sections of the Rules relating to the application of the State Environmental Policy Act (SEPA) are relevant in making the required threshold determination. They include:

“WAC 197-11-330 In determining an impact's significance (197-11794), the responsible official shall take into account the following, that:

(3)(c) Several marginal impacts when considered together may result in a significant adverse impact;

(e) A proposal may to a significant degree:

(ii) Adversely affect endangered or threatened species or their habitat:

...

“(5) A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section.” [Emphasis added.]

“WAC 197-11-794 Significant. (1) as used in SEPA means a reasonable likelihood of more than a moderate adverse impact on environmental quality.

(2)... .The severity of an impact should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred.”

OFCO believes that the sum of the marginal impacts in this sale is severe and significant. While the harvest meets the Science Report's description of allowed Light Thinning³, there will nevertheless be significant disturbance. The direct impacts are from:

- timber hauling on roads through eight separate occupied sites and/or their buffers,
- the disturbance of logging from 39 to 49% of the trees in the 8 different units covering 490 acres,
- the potential opening of the murrelet habitat to corvid predators, enabling them to pick off the young chicks in the adjacent occupied sites despite buffers whose adequacy has not been fully established.
- the standard thinning of Units 2 and 3, which are located in an area called a Marbled Murrelet Management Area, where the Science Report requires additional protections.
- the thinning of approximately 22 acres of buffers on Old Forest. Old Forest is considered important potential murrelet habitat and therefore protected habitat in the Science Report.
- the harvest in Units 2 and 3 add a risk of blowdown in the directly adjacent NAP/NRCA.

All of these impacts together meet the definition of *“several marginal impacts when considered together may result in a significant adverse impact”* [WAC 197-11-330(3)(e)(ii)] and become a probable significant impact.

In addition, there is a low, but real, and severe risk that the harvest in these eight units may cause the local extirpation of murrelets from at least a portion of the Queets River watershed and adjacent region. This appears to be a case where *“An impact may be significant if its chance of occurrence is not great, but the resulting*

³ Science Report, p. 4-22.

*environmental impact would be severe if it occurred.*⁴ The Jefferson County Superior Court has ruled that in a similar case of low, but severe risk a Declaration of Significant was required. [Broadspit Oyster Company ; et al. vs. DNR.] Therefore, OFCO believes that DNR has failed to fully evaluate the risks of both direct combined impacts and the low but severe risk of local extirpation.

MARBLED MURRELET MANAGEMENT AREAS (MMMA):

The WAU map⁵ accompanying the SEPA materials shows Units 2 and 3 as within one mile of the boundary of the Olympic National Park. This constitutes the MMMA as described in the Science Report⁶, but it is never mentioned in any of the SEPA documents. The Olympic Experimental State Forest (OESF) the Science Report has these general requirements:

- *“Defer from harvest existing old forest stands and occupied sites.*
- *Manage a buffer area within 328 feet (100 meters) of existing old forest stands and occupied sites to provide conservation benefits to existing high-quality nesting habitat.*
- *Manage riparian and unstable slope areas according to the HCP (DNR 1997a) to provide additional marbled murrelet nesting habitat.”*⁷

Unit 2 contains 40 acres with a 3 acre clearcut gap, and Unit 3 has 31 acres, but no gaps. They are both located in the proposed MMMA on the north side of the Queets River⁸. The Science Report calls for these specific additional protections for this MMMA:

“2. The area within one mile of Olympic National Park will be managed as an MMMA. Habitat within the MMMA will be deferred from harvest or managed to accelerate development of old forest northern spotted owl habitat, based on the assumptions that this also provides good marbled murrelet habitat.

“3. Two-thirds of the remaining area within the MMMA will be managed to be in stands with the tallest 40 trees per acre at least 80 feet tall.

*“4. The remaining habitat outside the MMMA (Table 3-13) will be managed according to broad DNR policies and procedures, including commitments for northern spotted owl and riparian conservation.”*⁹

However, the SEPA Checklist states:

“Objectives are as follows:

Ecological- objectives of this thinning are: 1) promote growth and vigor in the residual stand so that large trees will develop more rapidly; 2) open the canopy to promote understory development; 3) promote stand conditions that allow options for longer rotation or deferral to provide older forest habitat conditions; 4) other outcomes that are the outgrowth of 1,2, & 3 - large trees, understory development, and time all combine to produce diverse canopy structure, decadence, coarse woody debris, etc.

“Economic- Generate revenue for trust beneficiaries.

“Statute- Comply with the OESF HCP, Forest Practice rules, and implement the Policy for Sustainable Forests.

⁴ Broadspit Oyster Company ; et al. vs. Washington State Department of Natural Resources , et al. Superior Court of Jefferson County, Memorandum Opinion and Order on Review. August 20, 2008. Page 5.

⁵ WAU Map sent with the SEPA Checklist.

⁶ Science Report. Page 3-44.

⁷ Science Report, page 3-44

⁸ WAU map accompanying the SEPA Checklist.

⁹ Science Report. P. 3-44-5.

“Social- Facilitate research and monitoring opportunities and accommodate recreational activities on DNR managed lands.

“Specific objectives are to thin stands to a basal area between 130 and 190 sq. ft. to promote vigorous growth and develop structurally complex forests. Other specific stand objectives include riparian protection, protection of unstable slopes, protection of soils and habitat conservation for threatened and endangered species. Riparian protection measures were designed for all waters in and adjacent to this proposal in accordance with DNR’s OESF Riparian strategy. [Emphasis added.]

“Contract language and equipment limitations will help to reduce soil impacts. Harvest operations will be suspended during periods of wet weather conditions when rutting may occur. No rubber tired skidders will be allowed in this sale. In units 1, 2, 3, and 4, no ground based harvest activities will be allowed from Oct. 15 through April 30.”¹⁰

Given this wide range of objectives and including the economic one, it is hard to argue that the activity in Units 2 and 3 are focused totally or even primarily on the development of marbled murrelet habitat as the Science Report recommends. It is important that this MMMA retain both the short and long term conditions to protect these threatened birds. This sale needs to be deferred.

NAPs and NRCAs

The WAU map shows both Units 2 and 3 as being located directly on the boundary of a NAP or NRCA¹¹. There needs to be some sort of protection from blowdown for this key protected area. Currently none is shown or mentioned in either the FPA or the SEPA checklist.

OLD FOREST BUFFERS

As quoted above, the Science Report recommends a buffer of 328 feet on all Old Forest stands¹². This sale will thin approximately 22 acres of these buffers and remove about 46-49% of the trees of Units 1, 7 and 8¹³ and their buffers. The disturbance will be significant and. The opportunity for corvids to enter the buffers and prey on any murrelets using these Old Forest will be increased by the harvest in the buffers. All of these impacts will last for years. In addition the risk of blowdown in the Old Forest stand itself will be increased.

OFCO’S REQUEST:

Given all the problems of this sale, the potential severe nature of the risks to a threatened species and most of all the emphatic ruling in the Jefferson County courts on a similar SEPA issue, **OFCO recommends that this sale be deferred until the adoption of the Long Term Marbled Murrelet Strategy, scheduled for some time in 2014, after which this sale must be reassessed under the new guidance.**

10 Science Report. P. 3-44-5.

11 WAU Map.

12 Science report, P. 3-39.

13 SEPA Checklist, Addendum for Aquatic Resources. Pages 2,3