



Currently both agencies are:

Drafting our responses to public comments

We are currently compiling and reviewing the responses. They still need to be reviewed by USFWS Region 6 in Denver and the DNRC attorneys.

Revising the HCP/EIS

Revisions to the Proposed HCP and the EIS are being made based on (1) public comments, (2) discussions with Canada lynx researcher John Squires, whose current and ongoing research was deemed relevant by the planning team to consider prior to finalizing the HCP/EIS, and (3) recent suggestions from USFWS at the federal level on how to address global climate change in our documents.

Once responses to comments and revisions are complete, we will compile the Final HCP/EIS. It goes out for a 60-day public review prior to decisions.

What are frequently heard comments?

Adequacy of the HCP

We received numerous comments regarding the adequacy of the HCP, stating that the HCP would not meet permit issuance criteria, would not recover species, or would not adequately conserve species. Still others stated the HCP would have adverse effects or result in take. These comments were mostly addressed by clarifying the Section 10 and Section 7 requirements for HCPs.

Adequacy of the Streamside Buffer

Upon further consideration and given the volume of comments received, DNRC and the USFWS have proposed expanding the streamside buffer in the final HCP. See the section below titled "What substantive changes are we making in the final EIS/HCP".

Opposition to Forest Management and Associated Activities

Several reviewers simply want DNRC to stop timber harvest and road building on trust lands. Others requested that we find other ways to generate revenue for the trusts. These comments were addressed by clarifying purpose of the HCP, which is to revise the way we address ESA-listed species, not to decide whether or not to conduct forest management on state trust lands. Commentors were advised that the HCP would not preclude DNRC from pursuing alternative markets on trust lands. Regarding road building, we point out in our responses that both agencies recognize DNRC's need to build roads, and we acknowledge the impacts of roads on the covered species. We explain that many of the conservation commitments were developed to minimize and

mitigate impacts of roads. Some commentors wondered how the sustainable yield of timber could increase under the HCP. We point out that the increase was due to more acres being available to manage rather than more intensive forest management by DNRC.

Adequacy of the EIS – MEPA/NEPA process requirements are not met

We received comments stating we did not consider a reasonable range of alternatives; that the cumulative effects analysis was inadequate; and that climate change was not considered appropriately. Both USFWS and DNRC feel we meet the NEPA/MEPA requirements. We are, however, improving some aspects of the analyses. We are revising and improving the cumulative effects section and we are more fully considering climate change in the final EIS. Both agencies are satisfied with the alternatives considered and no new alternatives will be added to the EIS, although the preferred alternative will be revised to incorporate a few enhanced conservation measures.

Support for Alternative 2 (the preferred alternative)

We did receive comments in support of the proposed HCP, and many commentors were pleased that DNRC was pursuing an HCP, even if some did not fully support the proposed alternative.

What *substantive* changes are we making in the Final HCP/EIS?

Canada Lynx Conservation Strategies

Two areas where we've increased conservation commitments:

- DNRC changed the 20% foraging habitat commitment in LMA's to have it be comprised solely of winter foraging habitat instead of any combination of winter and summer foraging habitat.
- DNRC added a pre-commercial thinning commitment. Within pre-commercial thinning projects comprised of saplings in lynx habitat in LMAs, DNRC would identify and retain un-thinned 20 percent of the thinning project area.

Reason for the changes:

DNRC and the USFWS identified two potential conservation gaps in the current lynx strategy related to pre-commercial thinning and lynx habitat use in summer based on additional information provided by Squires (pers. comm. Dec. 22, 2009). Both agencies were concerned that DNRC's young foraging and winter foraging habitat definitions in the draft HCP would not adequately capture the structural stand conditions lynx preferentially use in summer. Squires also re-iterated (based on Griffin 2004) that pre-commercial thinning is detrimental to hares, and depending where it happens on the landscape, it can have adverse impacts on lynx. Therefore, DNRC has proposed the addition of the commitment described above. By ensuring that 20 percent of sapling stands would be retained until they reach the DNRC sawtimber size class, both potential

gaps would be addressed. This commitment would provide greater assurances that dense sapling stands important for hares, and slightly more mature summer habitat used by lynx (provided over time as dense sapling stands age and grow), would be prevalent on DNRC lands within landscapes known to be important for lynx (i.e., LMAs). Considering a range of likely growth estimates and sapling sizes at the time of thinning within retention patches, the retained portions would likely provide dense habitat conditions favorable for hares and lynx for about 10 to 30 years beyond the time the remainder of the stand was pre-commercially thinned (assuming an average radial growth range of 0.125 inches to 0.375 inches per year). This commitment would also promote a diversity of dense patches and thinned patches, which is consistent with the philosophy of the SFLMP and natural disturbance patterns. Under this approach, DNRC will also develop a summer habitat definition using improved parameters from Squires (2010 in press), for the purpose of HCP reporting.

One commitment we eliminated:

- DNRC removed the commitment to retain a minimum of two naturally occurring or manmade piles of woody debris per square mile to be considered potential lynx den sites.

Reason for the change:

This commitment has been removed because at a December 22, 2009 meeting and in prior communications, lynx expert John Squires indicated that the commitment to retain 2 slash piles/square mile as potential future den sites would likely provide little in the way of meeting habitat needs for lynx, because of the abundance of potential den site structures at the landscape scale. DNRC will add a monitoring commitment to ensure that the commitments to retain coarse woody debris in harvest units will continue to provide sufficient potential den sites for lynx.

Aquatic Species Conservation Strategies

Two areas where we've increased conservation commitments:

- DNRC is expanding the no-harvest buffer from 25' to 50'

Reasons for the change:

1) In this Permit application process, we need to meet the ESA Section 10 standard of "minimizing and mitigating the impacts of take to the maximum extent practicable". While USFWS felt that the 25' no-harvest buffer would likely meet this part of the Permit issuance criteria, extending the buffer to 50' is expected to further ensure long-term risks to critical riparian functions are minimized and to increase the certainty that these functions will be provided comprehensively when considering the environmental variation that exists in riparian zones in the HCP project area. It should also reduce the debate about whether the issuance criteria are met.

- 2) It shows responsiveness to public comments – several comment letters asked for a wider no-harvest buffer.
- 3) While the science is not clear yet how a no-harvest buffer would make a difference in terms of Climate Change, extending our no-harvest buffer shows we are taking a precautionary approach.

- DNRC is extending the RMZ strategy developed in the HCP to perennial streams *connected to* HCP fish streams. As originally proposed, the commitments for these streams would have been the same as under current ARMs.

Reason for the change:

DNRC and USFWS agreed this would help maintain the temperature and large woody debris regimes of the HCP fish streams into which these streams discharge. It has the added side-effect of simplifying the overall RMZ strategy. It eliminates having a *new* classification system -- what we called the “tier” system -- that field practitioners would have had to learn and remember. We would now apply the HCP - RMZ strategy to all Class 1 streams.

A change to the EIS: Climate Change

We are adding a new resource section in the EIS entitled Climate. Under Affected Environment, we would introduce the topic of climate change, including what it is and what we know (or not) about the direction and magnitude of trends globally, regionally, and locally. In Environmental Consequences, we would address how the current conditions and projected trends in climate vary at different landscape scales (locally, regionally, and globally). We will also identify whether the project would contribute to the production of greenhouse gases. In each resource section, we would ensure that climate trend/change is factored into the analysis.

Reasons for the change:

- 1) It shows responsiveness to public comments – several comment letters asked for analysis of effects of climate change in relation to the HCP.
- 2) It provides an opportunity to clarify the requirements and demonstrate responsiveness.
- 3) Recent guidance from CEQ at the federal level and suggestions from USFWS include better instruction on how to address climate change in federal NEPA documents.

What is the timeline for wrapping up the project?



August 1	Publish & distribute Final HCP/EIS
Aug 1 to Sept 30	Public review of Final HCP/EIS
Oct-Nov	Prepare Record of Decision (ROD)
November	Land Board meeting to approve decision
Dec 1	Publish ROD