

WASHINGTON STATE AQUATIC LANDS HABITAT CONSERVATION PLAN

Frequently Asked Questions

September 2014



What are the federal agencies releasing?

NOAA Fisheries and the U.S. Fish and Wildlife Service (together the Services) are releasing three documents for a 90-day public comment period:

1. Washington State Department of Natural Resource's Proposed Aquatic Lands Habitat Conservation Plan (HCP);
2. Draft Environmental Impact Statement (DEIS), to analyze potential environmental impacts of the proposed plan, as guided by the National Environmental Policy Act (NEPA); and a
3. Draft Implementation Agreement (IA).

What is a habitat conservation plan?

Endangered species need healthy habitats to survive. The Endangered Species Act (ESA) recognizes that in order to protect species, we must protect their natural habitats. Congress in 1982 amended the ESA to provide a way for private landowners and non-federal agencies to implement conservation measures while conducting activities that may adversely affect ESA-listed species, through ESA §10a1B permits. As part of this permit process, the ESA provides a unique tool, known as a habitat conservation plan, or HCP, which provides for conservation partnerships between the federal government and non-federal entities to advance habitat protection and stewardship.

An HCP outlines a long-term strategy for minimizing, mitigating, and monitoring the impacts of actions that may harm species or degrade their habitats. The Services work with applicants to identify conservation actions that, if implemented, allow an otherwise legal activity to proceed in a way that will allow a measure of harm, or "take," of a listed species, while conducting overall conservation on non-federal lands.

Why did the Washington State Department of Natural Resources develop a habitat conservation plan?

The Washington State Department of Natural Resources (WDNR) is steward of more than 2.6 million acres of land beneath the state's navigable lakes, rivers, marine waters, estuaries and many tidelands. WDNR manages these aquatic lands on behalf of the people of Washington—to protect fish and wildlife and to provide opportunities for commerce, navigation, and public access.

The population of Washington State is predicted to increase by 2 million people by 2020. Demand for access and use of aquatic lands will subsequently increase. This demand places pressure on the marine and freshwater habitats that support diverse species of wildlife and plants including federally-listed threatened and endangered species. To address this demand and associated impacts to aquatic habitat and species, WDNR started developing their Aquatic Lands HCP in 2005 to provide a framework for sustainably managing the state's aquatic lands into the future.

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Why are the Services reviewing WDNR's habitat conservation plan?

The proposed HCP provides a framework for protecting species that have been identified as particularly sensitive to environmental threats, or at some risk of extinction under the federal ESA. The Services work to protect, conserve, and recover 29 aquatic species covered by the proposed HCP for Washington's state-owned aquatic lands. In support of authorization decisions related to ESA permits, the Services are reviewing the proposed HCP for compliance with the ESA. Under the National Environmental Policy Act (NEPA), those pending decisions trigger disclosure to the public of the potential environmental effects of implementing the plan. Therefore, the DEIS is released at the same time as the proposed HCP and draft implementation agreement for public review and comment.

What types of activities does the proposed HCP address?

The proposed HCP covers three general types of activities on state-owned aquatic lands for which WDNR develops leases or use authorizations: shellfish aquaculture; log booming and storage; and overwater structures, such as docks, piers, ramps, and marinas.

What is the term of the proposed ESA §10a (1)B permit?

The proposed term of WDNR's Aquatic Lands HCP and its ESA §10a (1)B permit is 50 years.

How will the proposed HCP support the health of Washington's aquatic lands?

Washington State's aquatic lands are a critical resource for maintaining healthy habitat for wildlife and fish. These lands are also the foundation of the state's economy, quality of life, and the natural heritage. The proposed HCP emphasizes conservation through long-term protection and sustainable management of ecosystems. The proposed HCP will help protect Puget Sound, the state's river systems, and other state-owned aquatic lands by guiding management activities that:

1. Avoid or minimize adverse impacts on species that are protected under the ESA, in addition to conserving habitats for species not federally protected.
2. Provide habitat mitigation for impacts through either correcting the impact or restoring other, similar, habitat nearby.

What species does the HCP address?

The Aquatic Lands HCP covers activities on state-owned aquatic lands that may affect 29 aquatic species and their habitats. These include both federally-listed species and species that may become listed, given their current status, during the term of the permit. The 29 species include amphibian and turtle species, such as Oregon spotted frog; bird species, including marbled murrelet; forage fish species, such as eulachon; rockfish species, including Bocaccio; marine mammals, like (Puget Sound) Southern Resident killer whales; and salmon, steelhead, and bull trout.

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What is the relationship between the proposed HCP, the Endangered Species Act, and the National Environmental Policy Act?

As specified in section 10(a)(2)(A) of the ESA, WDNR prepared an HCP designed to minimize and mitigate “take,” or harm, of endangered or threatened species on WDNR-managed state-owned aquatic lands; and provide for the long-term conservation of the species and their habitats. Guided by NEPA, the Services have jointly prepared a DEIS that analyzes the potential environmental effects of the proposed conservation plan. WDNR has submitted applications to the Services for Incidental Take Permits pursuant to section 10(a)(1)(B) of the ESA. The analysis in the DEIS will help each of the Services when they make decisions about issuing the Incidental Take Permits.

What are Incidental Take Permits?

Under the ESA, the Services involved with WDNR in developing the Aquatic Lands HCP may issue incidental take permits. The permits provide assurances to WDNR. Because WDNR has committed to implementing landscape-wide protections in the plan to protect federally-listed and other at-risk species, the permit assures that if, on occasion, there is harm to a listed animal or its habitat, DNR will still be in compliance with the Services.

Where and when will the public information meetings be held?

The Services and Washington Department of Natural Resources will host four public information meetings across Washington State during the 90-day public comment period.

Mt. Vernon – Tuesday, October 7, 2014 from 6:30-8:30, in Room A-125, Angst Hall, Skagit Valley College, 2405 East College Way, Mt Vernon, 98273-5821

Longview – Thursday, October 9, 2014 from 6:30-8:30, in Cowlitz County PUD, 961 12th Ave, Longview, 98632

Tacoma – Monday, October 13, 2014 from 6:30-8:30, in Tacoma at the Pierce County Library, 3005 112th street E, 98446-2215

Pasco – Wednesday, October 15, 2014 from 6:30-8:30, City of Pasco Senior Center, 1315 N 7th Ave Pasco, 99301

How can I comment on the proposed Aquatic Lands Habitat Conservation Plan?

Send written comments to: Tim Romanski, U.S. Fish and Wildlife Service, 510 Desmond Drive SE, Suite 102, Lacey, Washington 98503; OR Scott Anderson, NOAA Fisheries, 510 Desmond Drive SE, Suite 103, Lacey, Washington 98503. Comments also may be submitted by e-mail, to WFWOComments@fws.gov. In the subject line of the email, please include the identifier: WDNR Aquatic Lands HCP DEIS.

All comments must be received no later than December 4, 2014.

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What can I expect next?

Upon completion of the public comment period, the Services will review comments and prepare the final EIS for public comment. At the conclusion of the of NEPA process, the agencies will proceed with their analysis and make their ESA permit-issuance decisions in 2015.