

Montana
Department of Natural
Resources and Conservation

Forested State Trust Lands

Habitat Conservation Plan

Final EIS/HCP

FREQUENTLY ASKED QUESTIONS (FAQS)

AUGUST 2010

QUESTIONS:

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Q1. WHAT'S HAPPENING NOW?

A1. The Montana Department of Natural Resources and Conservation (DNRC) and U.S. Fish and Wildlife Service (USFWS) are distributing the Montana Forested State Trust Lands Final Environmental Impact Statement and Habitat Conservation Plan (Final EIS/HCP) to the public for a 60-day review period.

During this time, the public will have the chance to review the changes the agencies made to the EIS and the HCP since the release of the Draft EIS/HCP. Additionally, individuals and organizations who commented on the Draft EIS/HCP will be able to review the agencies' responses to those comments and how they have been addressed in both documents.

Interested individuals may choose to submit comments on the Final EIS/HCP in the following ways:

1. Online: dnrc.mt.gov/hcp
2. Email: dnrchcp@mt.gov
3. Standard Mail:

ATTN Final EIS/HCP
2705 Spurgin Road
Missoula, MT 59804

The comment deadline is **November 16th, 2010**. Responses to comments will be published in the Record of Decision (ROD).

Q2. HOW MANY PEOPLE COMMENTED ON THE DRAFT EIS/HCP?

A2. Last summer, DNRC and the USFWS distributed the Draft EIS/HCP for public review for over 100 days. During that time, the agencies solicited comments during several public meetings in various locations throughout the western half of the state, online via the project website comment form (dnrchcp@mt.gov), via email, and via standard mail. DNRC and the USFWS received 548 individual comment letters and emails on the Draft EIS/HCP: 167 unique letters, 255 Natural Resources Defense Council (NRDC) form letters, and 125 Defenders of Wildlife (DOW) form letters.

Q3. WHAT TYPES OF COMMENTS DID THE PUBLIC HAVE ON THE DRAFT EIS/HCP?

A3. Appendix G of the Final EIS/HCP presents nearly 250 pages of comments on the Draft EIS/HCP and the agencies' responses. Although several themes emerged in the comments, the following list highlights the most prevalent comments:

1. 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. Others stated the HCP would have adverse effects or result in take.

2. Permit Term

Several comments suggested that the 50-Permit term of the HCP was too long and should be shortened.

3. Adequacy of the Streamside Buffer

Numerous comments suggested that the 25-foot no-harvest buffer adjacent to HCP waterbodies was not wide enough to protect riparian functions.

4. Forest Management Activities

Several reviewers were concerned about forest management activities and associated road building in general and were interested in DNRC curtailing or ceasing those types of activities on state trust lands. Others requested that DNRC find other ways to generate revenue for the trust beneficiaries.

5. Annual Sustainable Yield

Several reviewers were concerned about the increase in the ASY to 58.0 MMbf under the Preferred Alternative (HCP Alternative 2).

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

Some were concerned that the EIS did not consider a reasonable range of alternatives; that the cumulative effects analysis was inadequate; and that climate change was not considered appropriately.

7. Support for the HCP

Many stated their support for DNRC pursuit of an HCP, even if some did not fully support the preferred alternative.

Q4. WHAT CHANGES HAVE BEEN MADE SINCE THE DRAFT EIS/HCP?

A4. The following changes have been made since the distribution of the Draft EIS/HCP:

Amount of potential lynx habitat – Lynx habitat mapping protocols changed to include areas classified as big game winter range. This change added **58,000 acres** to the amount of potential lynx habitat where HCP commitments would apply.

Lynx den sites - The commitment to retain a minimum of two natural or manmade piles of woody debris per square mile as potential lynx den sites was removed. As a result of this change, Draft HCP commitments LY-HB3 through LY-HB7 were renumbered as LY-HB2 through LY-HB6 in the Final HCP.

Lynx foraging habitat - The lynx foraging habitat commitment was changed to maintain 20 percent winter *foraging habitat within LMAs* instead of 20 percent of *winter and summer foraging habitat* in any combination within LMAs.

Addition of a precommercial thinning requirement - Within pre-commercial thinning projects that target saplings in lynx habitat *in LMAs*, DNRC will be required to identify and retain unthinned 20 percent of each thinning project area.

Addition of two new grizzly bear commitments (GB-PR8 and GB-CY5) to address helicopter use- This requires avoidance or minimization of low elevation helicopter use and flight paths over known seasonally important areas in NROH or recovery zones, scattered parcels in rest in recovery zones, grizzly bear subzones in rest in recovery zones, and/or federally designated security core areas in recovery zones.

AQ-RM1 now applies to all Class I streams and lakes rather than just HCP fish-bearing streams - This extends the riparian management zone (RMZ) commitment developed in the HCP to *non-HCP fish-bearing streams and perennial streams connected to all fish-bearing streams*. As a result of including all Class 1 streams and lakes in commitment AQ-RM1, commitment AQ-RM2 was removed, and commitment AQ-RM3 was re-numbered to AQ-RM2 in the Final HCP.

Extension of the no-harvest buffer within the HCP RMZ - The no-harvest buffer within the HCP RMZ was extended from 25 to 50 feet.

Inclusion of road segments with moderate risk of sediment delivery - For addressing roads with shared ownership, AQ-SD2 was expanded to include road segments with moderate risk of sediment delivery, rather than just road segments with a high risk of sediment delivery.

Change in cap on removal of lands from HCP - The cap on the removal of lands outside grizzly bear recovery zones, non-recovery occupied habitat in the Cabinet-Yaak Ecosystem, LMAs, and bull trout core areas has been modified so that it can be increased from 10 percent to 15 percent if, and only if, DNRC increases the HCP project area by 15,000 acres or more.

Revised climate change analysis - Several modifications were made in the Final EIS portion of the Final EIS/HCP to address concerns raised in public comments about climate change and to ensure consistency with federal NEPA guidance.

Q5. WHAT HAPPENS NEXT?

A5. The following bullets summarize the steps that have yet to be completed prior to issuance of the Permit.

Final EIS/HCP – The agencies will make the Final EIS/HCP available to the public for a 60-day review period.

Biological Opinion – The USFWS will issue a biological opinion (BO) and incidental take statement. The BO will analyze the effects of issuing the Permit to the DNRC and will determine if the HCP would jeopardize the continued existence of the HCP species and other ESA-listed species that occur in the HCP project area or adversely modify those species' critical habitats. The incidental take statement will estimate the amount and extent of incidental take associated with implementation of the HCP, and if the incidental take will reduce the likelihood of the survival and recovery of the HCP species.

Record of Decision – After the 30-day review period of the Final EIS/HCP closes, the agencies will issue a Record of Decision (ROD) that identifies the selected alternative and the reasoning thereof.

Issuance of Permit – Once all of the above steps have been completed, the USFWS will determine whether or not to issue a Permit to the DNRC. To issue the Permit, the USFWS must find that: take as a result of the HCP must be incidental; DNRC will minimize and mitigate the effects of incidental take to the maximum extent practicable; incidental take that may occur will not appreciably reduce the likelihood of survival or recovery of the HCP species; and DNRC must be able to fund and implement all aspects of the HCP.

Q6. HOW DO INTERESTED INDIVIDUALS REQUEST A COPY OF THE FINAL EIS/HCP?

A6. The Final EIS/HCP will be distributed September 17, 2010, and copies will be available on CD or on-line. To receive a copy on CD or to be notified when the document is available on-line, individuals can contact the DNRC via email dnrchcp@mt.gov or phone (406) 542-4300.

Q7. WHERE CAN INTERESTED PARTIES FIND MORE INFORMATION ON THE HCP?

A7. You are encouraged to visit the project website: dnrc.mt.gov/HCP. Here you will find information about the project history, past public participation, species accounts, and other details about the Final EIS/HCP. Also, you may email dnrchcp@mt.gov or call (406) 542-4300 at any time.