

WAC 222-10-042 Marbled murrelets. The following policies shall apply to forest practices subject to SEPA where the forest practices may cause adverse impacts to marbled murrelets.

(1) Within an occupied marbled murrelet site, forest practices that will adversely impact this habitat will likely have a probable significant adverse impact on the environment except where the department determines, in consultation with the department of fish and wildlife, that the applicant's proposal will actually have no significant adverse impact.

(2) Within marbled murrelet detection areas: Suitable marbled murrelet habitat with at least a 30 percent, probability of occupancy has a sufficiently high likelihood of marbled murrelet occupancy to warrant a survey. It is currently assumed that two platforms per acre meets the 30 percent probability of occupancy. Without survey information, forest practices that will adversely impact this habitat may have a probable significant adverse impact on the environment.

A landowner may request the department of fish and wildlife to survey. The department of fish and wildlife should survey to the maximum extent practicable based on an appropriation to survey marbled murrelet suitable habitat within detection areas where the landowner provides access for surveys to the department of fish and wildlife, and sufficient time is allowed to complete the protocol surveys. The department shall provide a notice to the landowner within 60 days from the date of application of the department of fish and wildlife's intent to survey. If the department of fish and wildlife cannot conduct marbled murrelet surveys the responsibility for surveys remains with the landowner.

(3) Outside a marbled murrelet detection area:

(a) Suitable marbled murrelet habitat with at least a 60 percent probability of occupancy is assumed to have a high likelihood of marbled murrelet occupancy. It is currently assumed that seven platforms per acre meets the 60 percent probability of occupancy. Without survey information, forest practices that will adversely impact this habitat may have a probable significant adverse impact on the environment.

(b) Within a marbled murrelet special landscape suitable marbled murrelet habitat with at least a 50 percent probability of occupancy is assumed to have a high likelihood of marbled murrelet occupancy. It is currently assumed that five platforms per acre meets the 50 percent probability of occupancy. Without survey information, forest practices that will adversely impact this habitat may have a probable significant adverse impact on the environment.

(4) The adjacent forested area within 300 feet of "suitable marbled murrelet habitat" described in subsections (2) and (3) of this section is assumed to be necessary for buffering potentially occupied habitat as defined in WAC 222-16-080 (1)(h)(v). This additional information on the forested area within 300 feet of "suitable habitat" is necessary for the department to evaluate the environmental impact of the forest practice. Without survey information, forest practices that will adversely impact this buffer may have a probable significant adverse impact on the environment.

(5) When determining whether a forest practice will have a probable significant adverse impact on the environment, the department shall, in consultation with the department of fish and wildlife, evaluate the impacts on the statewide, regional (Southwest Washington, Olympic Peninsula, Hood Canal, North Puget Sound, South Puget Sound and South Cascades) and local (within the marbled murrelet detection area) marbled murrelet populations and associated habitats. The de-

partment should consider a variety of information including, but not limited to, survey data, habitat quality and patch size, the amount of edge in relation to the area of habitat, amount of interior habitat, distance from saltwater, detection rates, the amount and quality of habitat, the likelihood of predation and the recovery goals for the marbled murrelet.

(6) The platform assumptions set forth above are based on regional data. Applicants or others may submit information to the department which was gathered in conjunction with a marbled murrelet survey agreement with the department of fish and wildlife, and other reliable information that is more current, or specific to the platform numbers in the marbled murrelet suitable habitat definition. The department shall use such information in making its determinations under this section where the department finds, in consultation with the department of fish and wildlife, that the information is more likely to be valid for a particular WRIA or physiographic province. If the department does not use the information, it shall explain its reasons in writing to the applicant.

[Statutory Authority: RCW 76.09.040. WSR 23-17-127, § 222-10-042, filed 8/21/23, effective 1/1/24. Statutory Authority: RCW 76.09.040 and chapter 34.05 RCW. WSR 97-15-105, § 222-10-042, filed 7/21/97, effective 8/21/97.]