

# **MEETING SUMMARY**

## **WESTERN OREGON STATE FORESTS**

### **HCP STEERING COMMITTEE**

Friday, March 8, 2019, 10:00 am – 1:00 pm

ICF Portland, 615 SW Alder St, Suite 200, Portland, OR

#### **ATTENDEES**

Participants: Liz Dent (ODF), Paul Henson (USFWS), Kim Kratz (NOAA/NMFS), Leah Feldon (DEQ), Doug Cottam (ODFW), Bill Ryan (DSL), Dan Edge – *on the phone* (OSU)

Technical Consultant: David Zippin and Troy Rahmig (ICF)

Facilitation Team: Cindy Kolomechuk (ODF), Brett Brownscombe (Oregon Consensus), Debra Nudelman and Sylvia Ciborowski (Kearns & West)

#### **WELCOME AND INTRODUCTIONS**

Liz Dent, ODF, welcomed members and thanked them for their participation

Members introduced themselves. Deb Nudelman, Kearns & West (KW), reviewed the agenda and meeting materials, which include: 1) Agency updates, 2) Update on Scoping Team Work, 3) Western Oregon State Forests HCP Vision, Mission and Goals, 4) Operating Principles and SC-ST workflow, 4) work plan and schedule update, 5) permit area and plan area for the Western Oregon HCP, and 6) next steps including direction to Scoping Team.

Cindy reminded members of their last meeting, which included a review of the Western Oregon HCP Phase 2 work plan and discussion on operating principles and Steering Committee-Scoping Team workflow. Cindy clarified that ODF is the convener of the process, and all agencies are advisors; the operating principles have been updated to reflect that.

A DEQ staff person has been added to the Scoping Team. DSL and OSU will also participate in the technical review process in other ways.

#### **AGENCY UPDATES**

Cindy Kolomechuk invited members to provide updates relevant to the Western Oregon HCP process:

- **Updates from ODF:** ODF has been working on how best to explain why the agency is working on the parallel processes of the FMP and HCP. A Board of Forestry meeting was held recently, during which ODF laid out the agency's vision for take avoidance

under the FMP. Some Board members emphasized a desire to see progress on the HCP.

- **Updates from DSL:** DSL is continuing to work on the Elliott HCP process, working with OSU to define what a research forest looks like and how it is different from a harvest-based forest. DSL is hoping to have a decision by December on the research forest approach. The process will also include stakeholder engagement, a potential tour of the forest in August for stakeholders and legislators, and public meetings. Ryan Singleton will be DSL's technical reviewer to support the Western Oregon HCP work. Ryan will also be on the technical team for the Elliott Forest HCP.
- **Updates from DEQ:** DEQ has designated Gene Foster as the DEQ representative for the Western Oregon HCP Scoping Team. Gene will speak to water quality-related elements of the HCP.
- **Updates from NOAA/NMFS:** None.
- **Updates from USFWS:** USFWS is in the process of considering listing proposals for fisher, coastal marten, and tree vole. Probable wolf depredations have been reported on the south coast. There is a movement towards delisting wolf, which will be a major effort. Oregon silverspot butterfly is declining on the coast; there may be ways that the Western Oregon HCP could contribute to healthy silverspot butterfly populations.
- **Updates from ODFW:** ODFW is continuing litigation on marbled murrelet. There will be an executive session with Commissioners next week regarding the matter, and DOJ is working on it. The litigation should be complete by September 2019. The outcomes will impact how ODFW participates in the Western Oregon HCP.

Visiting wolves have been found in Clatsop County. Whether wolves are delisted or not, they will be covered under Oregon's Wolf Conservation and Management Plan.

- **Updates from OSU:** OSU has found two technical reviewers to provide technical review of documents. Carl Schrek was assigned to the project.

## **February Steering Committee Meeting Summary Approval**

Deb asked members to provide any edits to the February 7, 2019 Western Oregon HCP Steering Committee meeting summary. Members had none and they approved the meeting summary.

## **UPDATE ON SCOPING TEAM WORK**

Troy Rahmig, ICF, reviewed work with the Scoping Team and technical work over the past couple of months. The last Scoping Team meeting included a deeper-level review of the annotated HCP outline. The ST was comfortable with the outline, with minor edits. The ST discussed the Western Oregon HCP plan area and permit area. They had a brief conversation about the permit term and whether it could be appropriate to extend the permit term beyond the assumed 50-year term, if selected conservation actions would benefit from a longer time period.

The project team in coordination with the ST has been trying to find the best available data for each species and is continuing that process. ICF is having ongoing conversations with agency personnel on best available data. ST members were generally in agreement that enough data currently exists to develop the HCP; there is no substantial need for acquiring new data. ST members suggested that the HCP include monitoring and adaptive management principles for species that have limited data.

### **Consideration of Fisher Species**

The Scoping Team considered fisher and noted that the species may be best protected through the existing CCAA, which protects fisher and has a 30-year term. There is no known fisher in the Western Oregon HCP planning area, but some southern scattered parcels are in the range of fisher.

David Zippin suggested including fisher as a covered species under the HCP, because the standard under the CCAA is different than the standard under the HCP. It may be easier and more efficient to have one standard across the species.

## **WESTERN OREGON HCP MISSION, VISION AND GOALS**

Liz reviewed the *Western Oregon HCP Mission, Vision and Goals Draft Document* handout. She reviewed the definitions of vision, mission, goals, HCP direction, and record of agreements and guidance, and then walked through the proposed HCP Mission, Vision and Goals. She noted that the Vision incorporates Greatest Permanent Value (GPV) language, as well as the multiple objectives articulated in the GPV rules.

At the last meeting, SC members suggested aligning the Mission and Goals with the NEPA Purpose and Need. The handout includes references to related Purpose and Need statements.

### **Discussion**

Members discussed the HCP Mission, Vision and Program Goals. The facilitation team made redline edits to the document and documented comments.

Members had the following comments on the HCP Mission:

- Members had questions about where the mission, vision and goals will be housed, and who the audience is. The HCP Mission mentions the “Services,” but some audiences may not know what that means. ICF staff clarified that the intent is to include the mission, vision and program goals within Chapter 1 of the HCP. The team will be sure to define all terms as needed.
- Suggest specifying that “permit” means “incidental take permit.”

Members had the following comments on the HCP Vision:

- The reference to “generations to come” may be inconsistent with a 30-to-50-year permit.
- Members discussed whether all stakeholders and the counties will see their interests reflected in the mission and vision. The mission and vision may need to be more explicit about meeting financial viability goals. ODF staff clarified that within the FMP, ODF is

looking to provide for financial viability through three methods: looking for other sources of revenue beyond timber, business improvements/cost control within ODF, and policy measures. It may not be that the HCP alone would lead to meeting financial viability goals.

- Suggested that the reference to GPV rule in the vision is too narrow for some audiences. A vision is meant to be loftier, and it may be more appropriate to reference the GPV rule in the program goals.

Members had the following comments on the HCP Program Goals:

- David Zippin, ICF, clarified that the program goals are distinct from the biological goals and objectives. If the HCP does not fully offset for each species, it is possible that financial and technical practicability analysis will be required. Practicability is only required on a species-by-species basis, but it may be more efficient and clearer to do the practicability analysis HCP-wide. The practicability assessment would determine whether there is consistency with program goals.
- Deb asked the group which of the program goals need further discussion, or whether they are fine as written. Members made the following comments:
  - Goal 1: No further discussion needed.
  - Goal 2: Suggested that the goal begin with “Ensure active management of...”.
  - Goal 3:
    - Change to “... over an X-year time horizon” once the permit term is defined.
    - Members asked for clarification on how the HCP and FMP will reference one another. The project team clarified that the conservation strategy and implementation chapters of the HCP will discuss alignment with the FMP. The FMP will be adjusted as needed to align with the HCP, not vice versa.
    - Some concern about promising “predictable revenue” and whether that is achievable.
    - Minor text changes were suggested, as reflected in the redlines.
  - Goal 4:
    - Members discussed whether the HCP will be a net gain or a net loss and suggested updating the language of Goal 4 to be consistent with ODF’s intent. ODF will check the FMP language to make sure that this goal is consistent with the wording of the FMP.
    - Members discussed whether it is appropriate to include “recovery of species” as a program goal. Various considerations were discussed, and the team will consider how best to describe the intended goal.
  - Goal 5:

- Members expressed some confusion over the intent of this goal. The project team clarified that the goal intends to demonstrate that the forest will be an actively managed forest, and that management will occur in a number of ways.
  - Members pointed out that essentially this goal is showing the variety of techniques that will be used to accomplish Goal 4. The second half of the Goal 5 statement may not be needed, since that is said in Goal 4.
  - Suggest including “fish and wildlife habitat,” not just “wildlife habitats” and consider changing “habitats” to “habitat function.”
  - Members wondered if pointing out “silviculture techniques” is too specific and suggest broadening the description of techniques.
- Goal 6:
    - Suggest removing this goal. Although the process will include engagement, it is not appropriate to call it out as an HCP program goal.
  - Suggest combining or reordering goals to balance conservation-focused and revenue-focused goals.
  - Suggested also including in the goals some reference to climate change in the context of adaptive management, as well as fire resilience. These are also called out in the FMP. It will be important to message to the public that the HCP will increase resilience and operational flexibility, to be nimbler and more adaptive to changing conditions on the landscape.

## **OPERATING PRINCIPLES**

Deb directed members to the updated *Western Oregon HCP Process Draft Operating Principles*, noting that they have been updated based on discussion at the February Steering Committee meeting. Section IV clarifies that ODF is the convener of the HCP process.

### **Discussion**

Members reviewed the Operating Principles and suggested the following changes:

- Table 1: Suggested text edits and adding an asterisk noting that DSL and OSU will have a reviewer on the technical documents. Reformat table to clarify Steering Committee and Scoping Team members.
- Move the placing of the word “potential incidental take permit” in Section 1.
- Omit some phrases from Section III, Meeting Principles. Members noted that these Meeting Principles were developed at an early 2018 Steering Committee meeting, and some are duplicative or no longer effective descriptions of meeting principles. Suggested indicating in this section that it is important to have participants at the table with decision-making authority.

ICF noted that much of the Operating Principles document will be included in Chapter 1 of the HCP to describe the process.

Members briefly discussed situations in which Scoping Team members may not be able to resolve issues. They agreed that it will be important to address those issues in a spirit of collaboration and resolution. As much as possible, issues should be worked out prior to Steering Committee meetings with the appropriate participants. If issues cannot be addressed at one level, they should be elevated to a level where they can be resolved to move forward towards a successful HCP outcome.

## **WORK PLAN AND SCHEDULE UPDATE**

Troy noted that the Western Oregon HCP project is on track.

ICF has begun work on chapters 1, 2 and 3 in conjunction with ODF and through conversations on topics related to those chapters at the Scoping Team. Those chapters will go to ODF for review at the end of March, and then to the Scoping Team for their review.

## **HCP PERMIT AREA AND PLAN AREA**

Troy presented a map of state forestlands in the western part of Oregon, including Board of Forestry and Common School Fund (CSF) lands. He explained that there may be some shifting of land base over time, between BOF and CSF lands, or through land acquisitions over time. The project team proposes a two-tiered structure: 1) an HCP permit area that includes lands that are included the HCP, and 2) an HCP plan area that would include a broader set of lands to study because those lands might be incorporated into the HCP later in the permit term due to changes in the land base.

ODF is in discussions with DSL on how to treat CSF lands and whether they should be included in the HCP.

### **Discussion**

Members discussed and made the following comments:

- The project team clarified that lands west of the Cascades will not be included in the HCP. The HCP would include all lands west of the Cascades, and not the Elliott forest. For now, the CSF lands are included pending discussions with DSL. Members suggested that it may be worth treating a subset of land. There are some BOF lands within the Elliott that some people consider part of the Elliott; those are included in the Western Oregon HCP.
- A member asked how future land acquisition and land transfers would be handled. ICF responded that the HCP will need to be written to allow for transfer flexibility, as long as commitments to the HCP are not violated.
- ODF added that it will be important to look at safe harbor agreement and the fisher species. Treatment of fisher in the HCP needs to be consistent with what the rest of the state is doing for fisher.

- Suggest confirming whether the HCP covers certain salmonid species. Lower Columbia steelhead is present in the Clackamas forest lands, in land that ODF does not manage. The Scoping Team recommended keeping an eye on this species, but it may make sense to remove the lower Columbia steelhead from the list.

## **NEXT STEPS AND SUMMARY**

Cindy reminded members that a Western Oregon HCP Public Kick-Off Meeting is scheduled for March 21, 1:00 to 3:00 p.m. at Broadway Commons. Steering Committee members are encouraged to attend. The meeting will include time for agencies to provide their perspective and interest in the HCP. The meeting will include a kickoff by Liz Dent, introductions of SC and ST members present, a presentation of the HCP scope of work, and explanation of stakeholder engagement. This will be followed by about an hour-long Q&A and discussion. A meet-n-greet will be held from 3:00 to 4:00 p.m.

Members requested that the project team send out questions or topics that SC members should address in their remarks.

Liz noted that ODF has developed a few talking points on the distinctions between the Western Oregon HCP effort, FMP take avoidance effort, and Elliott HCP effort. The team can share these with the group.

A Board of Forestry meeting is scheduled for April 24 and will include a presentation on the Phase 2 Scope of Work and stakeholder engagement process. Steering Committee members are not expected to speak but are invited to attend and show their support. ODF will send out an invite to members once the agenda is set.

Members briefly discussed appropriate level of attorney engagement for the Western Oregon HCP.

Deb asked members to think about Section IV in the Operating Principles on Decision-making. At the next SC meeting, members will discuss what consensus means, what it means to not reach alignment on topics, and operational sideboards. Members discussed the difference between the operational sideboards and the operating principles and wanting to make sure there is not overlap or redundancy between the two.

### **Next Western Oregon SC Meeting**

Kearns & West will be in touch with SC members to schedule future SC meetings.

## **ACTION ITEMS**

The following action items were identified throughout the meeting:

- KW: finalize the February 7, 2019 Western Oregon HCP Steering Committee meeting summary.
- ICF and project team: continue to consider whether to include fisher as a covered species under the Western Oregon HCP.

- Project team: update the Mission, Vision and Program Goals based on SC comments and provide an updated draft prior to the next SC meeting.
- KW: update Operating Principles based on SC comments and provide an updated draft prior to the next SC meeting.
- KW: send out questions or topics that SC members should address in their remarks at the March 21 public kick-off meeting.
- ODF: share with SC few talking points on the distinctions between the Western Oregon HCP effort, FMP take avoidance effort, and Elliott HCP effort.
- ODF: Send April 24 Board of Forestry meeting invitation to SC members.
- KW: Confirm upcoming SC meeting dates.

## **RECORD OF AGREEMENTS AND GUIDANCE**

*Updated 3/11/2019*

<b>Date</b>	<b>Group/Body</b>	<b>Action</b>	<b>Relevant Milestone/HCP Chapter</b>
November 8, 2018	Board of Forestry	Unanimously voted to move forward with Western Oregon HCP Phase 2: Strategy Development and Stakeholder Engagement	Phase 1 Completion
February 7, 2019	Steering Committee	Expressed support for the Western Oregon HCP Phase 2 Scope of Work and Work Plan	Phase 2 Beginning
February 13, 2019	Scoping Team	Provided support for the proposed covered species list	Covered Species List (Chapter 1)
February 13, 2019	Scoping Team	Agreed that the current data on the covered species is sufficient to move forward with developing an HCP, and there is not a need to collect additional data at this time. Expressed support for ICF's approach to identifying best available data for each species.	Approach to Gathering Best Available Data