

# MEETING SUMMARY

## WESTERN OREGON STATE FORESTS HCP STEERING COMMITTEE MEETING

Thursday, July 30, 2020, 1:00 pm – 4:00 pm

*By Webinar and Teleconference Only*

### ATTENDEES

**Steering Committee:** Liz Dent (ODF), Kim Kratz (NOAA Fisheries/NMFS), Tere O'Rourke (NOAA Fisheries/NMFS), Paul Henson (USFWS), Leah Feldon (DEQ), Bill Ryan (DSL), Doug Cottam (ODFW), Dan Edge (OSU)

**Technical Consultant and Guests:** Troy Rahmig (ICF), Elif Wilkins (NOAA Fisheries NEPA Coordinator)

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

### WELCOME AND INTRODUCTIONS

Liz Dent, Oregon Department of Forestry (ODF) welcomed Steering Committee (SC) members and kicked off the meeting. She thanked everyone for their time and dedication and expressed appreciation to Scoping Team (ST) members who are working hard to develop the Habitat Conservation Plan (HCP) technical elements.

Deb Nudelman, Kearns & West reviewed the agenda. The key agenda topics included: 1) Agency updates and updates on ST progress, 2) Report out and discuss the Board of Forestry (BOF) meeting and stakeholder engagement 3) Communications around the various HCPs and approaches, 4) Habitat quality and quantity of terrestrial habitat, 5) Conservation fund update, 6) National Environmental Policy Act (NEPA) update, 7) SC direction to the ST, and 8) Approach going forward and next steps.

### AGENCY UPDATES

SC members provided the following updates relevant to the Western Oregon HCP process:

- **Oregon Department of Fish and Wildlife (ODFW):** The Fish & Wildlife Commission will reconsider uplisting marbled murrelet at its November meeting. Conservation staff are primarily spending their time working on HCPs and marbled murrelet issues.

- **Department of State Lands (DSL):** Over the next few months, DSL will be busy working on the Elliott State Forest HCP.
- **NOAA Fisheries:** The agency continues to make progress on the Elliott State Forest HCP and an HCP focused on private forestry.
- **ODF:** New Board members are likely to join the BOF later in October.
- **U.S. Fish and Wildlife Services (USFWS):** 1) Update on northern spotted owl critical habitat. 2) The agency has been asked to reinitiate consultation on the Jordan Cove pipeline, which cuts through some forest lands. 3) The agency also received a request from NOAA Fisheries to comment on issues related to the Coastal Zone Management Act. 4) The agency has also been working on the Elliott State Forest HCP. 5) The agency is looking forward to staying aligned with all agencies on the various HCPs in Oregon.

## **REPORT OUT ON SCOPING TEAM**

Troy Rahmig, ICF reported out that the work happening at the ST level is moving quickly. On the aquatic strategy, the ST is focusing on finer details, the effects analysis, and how covered activities will be carried forward into the effects analysis. On the terrestrial strategy, the ST is continuing to receive new information and outputs from the forest management modeling. The team is finishing the third iteration of that modeling, and each review provides important information about both timber revenue projections and habitat development over time.

ST discussions are focusing on the effect that timber activities would have on the species and discussing the number of acres of habitat development over time for the species.

The ST will be receiving initial draft chapters of the HCP over the next few weeks. Their review of these draft chapters will be a main point of discussion over the coming months.

## **REPORT OUT AND DISCUSS BOF MEETING AND STAKEHOLDER ENGAGEMENT**

### **July Board of Forestry Meeting Report Out**

Liz reported out on the July 22 BOF meeting that included an HCP update. Prior to the July BOF meeting, Board members received many comments on harvest levels in the HCP. There were also important questions on the business case analysis that had been conducted in 2018. They noted that the timber harvest projections in the HCP are different than what came out of the business case analysis. This will continue to be a conversation with the public and the counties. Outside of timber harvest and revenue, questions came up around the kind of management that would be allowed inside and outside the Habitat Conservation Areas (HCAs) and questions around how the HCP relates to the companion Forest Management Plan (FMP).

### **Discussion**

SC members discussed the July BOF meeting and provided the following questions and comments:

- A member thanked ODF for their presentation and SC members for their remarks at the recent BOF meeting. The information presented was clear, and it was helpful to hear the kinds of questions the BOF has about the HCP. The SC can be a good forum to consider those BOF questions as we move toward the October BOF meeting.
- The BOF meeting provided a good big picture of what's going on and expressed confidence around the path forward.
- Members asked whether the original business case analysis considered the ability of the HCP to mitigate litigation risk. Suggestion to conduct an analysis on the litigation risk of various options of moving forward, both with and without an HCP, and how this impacts financial outcomes in the business case analysis and comparative analysis.

### **Stakeholder Engagement**

Deb noted that a meeting open to the public was held on July 13. Approximately 100 individuals attended and included a good cross section of stakeholders, county representation, and BOF members. Participants asked thoughtful questions and provided useful comments.

As a follow up to the meeting open to the public, a joint stakeholder meeting is planned for August 6. This will include deeper discussion on the forest management approach and the conservation strategies.

Members discussed stakeholder engagement and suggested developing talking points for the timing of harvest to improve the terrestrial strategy. Harvest completed early in the HCP permit term can help meet the conservation goal by the end of the permit term.

### **COMMUNICATIONS AROUND THE VARIOUS HCPs**

Troy noted that stakeholders have noted the differences between the Elliott State Forest HCP and the Western Oregon HCP, particularly with regards to wood recruitment modeling and how much wood recruitment might be modeled into the system based on different riparian buffering strategies. It will be important to clarify the distinctions between the HCPs, including their distinct objectives and outputs.

Troy invited the group to consider how the agencies plan to communicate about the various HCPs and to ensure that communications are consistent and in alignment with other agencies. ICF has been working to develop key points of information around each of the HCPs to make sure that there are consistent answers to questions about the HCPs.

Liz highlighted a few key differences and similarities in the HCPs:

- Both processes are anchored to the same science around riparian and watershed functions but began with different questions in mind. The Elliott HCP process began with a wood recruitment goal, whereas the Western Oregon HCP began by considering a particular buffer configuration and then modeling what wood recruitment would be expected as a result.
- The unit of measurement between the two HCP is also different: The Elliott HCP used wood pieces, whereas the Western Oregon HCP used wood volume.

Both HCPs are using the same model and contractors, and it is not the role of those contractors to explain the ecological significance of the strategies.

## **Discussion**

SC members discussed the communications around the various HCPs and provided the following questions and comments:

- SC members agreed that it is important to be clear that the HCPs are different projects with different approaches. Each of the approaches is different, but valid.
- Talking points would be very helpful to ensure the agencies are communicating the same information. It will be important to be able to explain why one approach was used for Elliott HCP, and a different approach was used for the Western Oregon HCP.
  - Talking points should be finalized and distributed to the SC early next week.
- It was noted that stakeholders have not commented much on comparisons on the terrestrial strategies between the Western Oregon HCP and the Elliott State Forests HCP. Stakeholders have noted that they want to see the specifics so they can more constructively react to the strategies.
  - Suggestion for USFWS to begin framing up the comparisons on the terrestrial strategies. It is important to have talking points in advance to proactively communicate and share information about the various HCPs.
- The objectives of the applicants differ as well. That is an important difference between the HCPs.

## **NEPA UPDATE**

Elif Wilkins, NOAA Fisheries NEPA Coordinator, provided an overview and update on the NEPA process. Key topics of the presentation included:

- NOAA Fisheries and ICF staff have been working together and coordinating to be ready for the potential NEPA process.
- New Council of Environmental Quality (CEQ) regulations came out a few weeks ago, and the agency is reviewing those regulations and how they affect the NEPA process. A change will be that the NEPA process must be completed within two years and have a 150-page limit.
- NOAA Fisheries cannot issue a Notice of Intent to prepare an Environmental Impact Statement (EIS) until it has the actual HCP document. However, the agency can take steps to be ready to issue that when the time comes.
- To date, the participants in the effort have been making good progress and there has been good momentum to make sure the process can run efficiently.

## **Discussion**

SC members discussed the NEPA process and provided the following comments:

- A member stated the hope is for the entire process to have a better pace after the October BOF meeting.

## **HABITAT QUALITY AND QUANTITY OF TERRESTRIAL HABITAT**

Troy provided an update on the current projections on terrestrial species habitat quality and quantity over time. The team shared preliminary results with the ST during the July 28 ST meeting. Key topics of the presentation included:

- The model is modeling the forest for 100 years, although the permit term ends in 70 years.
- Age class distribution over time: Shows projected acres of habitat by age class in ten-year increments throughout the 100-year modeled period. The projections show that over time, the stands inside of HCAs get older. By the end of the permit term, there is a much older forest inside of HCAs as compared to outside of HCAs. Outside of HCAs, there is still a fair amount of older forests over time. In the modeling, it was intentional to grow some older forest outside of HCAs.
- Northern spotted owl habitat suitability: Showed graphs that demonstrate growth of northern spotted owl habitat over time throughout the permit term. The model results show incremental growth of northern spotted owl habitat is suitable and will be highly suitable habitat over time.
  - Another graph demonstrates the amount and type of management that is expected to occur within northern spotted owl habitat. Per ST guidance, ICF is updating this graph to include projected management within lands that are classified as marginally suitable and unsuitable for northern spotted owl.
  - Another graph shows the amount of harvest in northern spotted owl habitat over time as a percentage of total northern spotted owl habitat.
- There is similar modeling for the other terrestrial species (marbled murrelet, red tree vole, and slender salamander).
- The ST has asked questions about the type of silvicultural actions that will occur within and outside of HCAs and the pace of those actions. As the model is refined, we will be able to better answer those questions.

ICF will be sharing updated information to the ST as it becomes available. SC members were encouraged to reach out to the ST members or Troy if SC members are interested in seeing this information.

### **Discussion**

SC members discussed the quality and quantity of terrestrial habitat and provided the following questions and comments:

- Over time there will be an increase in habitat quality. Is it possible to produce similar graphs for a no-action alternative, as well as for a more industrial alternative? That would help put the HCP in context of what the landscape could look like without an HCP.
  - It was noted that this kind of comparison could be contemplated as part of the NEPA process.
- There will be more forest management and harvest early in the permit term, which leads to better habitat in the later decades. Harvest activities will be frontloaded in the permit term.
- What will be shared at the October BOF meeting?
  - The BOF will receive draft chapters of the HCP, which will be in various stages of completeness. The BOF will only receive chapters that the ST has worked on and seen. For the conservation strategy, they will see information similar to what was presented today. They will also see the comparative analysis between the HCP and the FMPs. One question that the comparative analysis will seek to answer is: What is the difference in conservation values, including habitat value over time?
  - The information on marbled murrelet will likely have a potential impact on influencing the Fish & Wildlife Commission's decision on whether to uplist the species. The information should be as accurate and understandable as possible to help inform good decision-making, and to reduce confusion. It should also be clear that the modeling outputs are a prediction of what is to come.
- The model outputs from the HCP will go into the comparative analysis. It will be a quick turn around to create that comparative analysis and present it.
- To clarify, the comparative analysis will include a narrative comparison of conservation certainty and economic certainty. Certainty is achieved with a long-term HCP as compared to the uncertainty that comes with a take avoidance approach.

## **CONSERVATION FUND UPDATE**

Troy provided an update on the conservation fund. Key topics of the presentation included:

- It is proposed that the HCP include a conservation fund to be used to fund restoration projects. The idea is to generate funding from timber sales to go towards restoration projects.
- There would be flexibility in how the fund is spent. Funds could be spent every year, or funds could be accumulated to be spent on bigger projects in later years.
- There would be annual reporting on how the fund is spent.
- The assessment on timber sales would be adjusted for inflation over time.

- The fund could be spent on both upland and aquatic restoration activities, as well as barred owl removal. It is possible that other activities could also be funded. Criteria has been developed to help select which projects to fund.
- This information will be housed in the cost and funding chapter of the HCP.
- As the team gets deeper into conservation strategy development, it is possible that the estimated amount going into the conservation fund could be refined. Setting the fund amount will be critical because it affects the cost of the HCP.

## **Discussion**

SC members discussed the conservation fund and provided the following questions and comments:

- Are there costs associated with making barred owl removal a priority? Suggestion to look at recent examples to see what barred owl removal could cost.
  - The team is working with USFWS to help determine what kinds of barred owl removal activities would be helpful over time, and the relative cost.

## **STEERING COMMITTEE DIRECTION TO SCOPING TEAM**

The project team will report out to the ST on what was discussed during today's meeting. SC members were encouraged to have ongoing conversations with ST members to stay informed and ensure alignment within the agencies.

The SC expressed appreciation for the ST members' hard work to date and collaborative effort.

## **NEXT STEPS AND SUMMARY**

Liz thanked participants for their time and efforts and closed the meeting.

The next SC meeting will be held on Thursday, August 27 from 1-4pm. Members should assume the meeting will be virtual. SC members were asked to let the team know if they cannot attend the August meeting.

Other upcoming HCP meetings include:

- ST Meeting: Tuesday, September 1, 10 am – 2 pm
- Meeting Open to the Public: Wednesday, September 16, 1– 4:30 pm
- ST Meeting: Tuesday, September 22, 10 am – 2 pm
- Joint Stakeholder Meeting: Thursday, September 24, 1 – 4 pm
- SC Meeting: Tuesday, September 29, 1 – 4 pm
- BOF Meeting: Tuesday, October 6, 9 am – 5 pm

KW will also work to schedule an October SC meeting for after the BOF meeting and will send out the calendar invitation for the September meeting open to public.

## **ACTION ITEMS**

The following action items were identified throughout the meeting:

- Kearns & West: Schedule an October SC meeting for after the October 6 BOF meeting.
- Kearns & West: Send out calendar invite to the SC for September 16 meeting open to the public.