

MEETING SUMMARY

WESTERN OREGON STATE FORESTS HCP SCOPING TEAM

Tuesday, August 4, 2020, 10:00 am – 2:00 pm

By Webinar/Video Conference

ATTENDEES

Participants: Rich Szlemp (USFWS), Rod Krahmer (ODFW), Ryan Singleton (DSL), Jim Muck (NOAA Fisheries), Mike Wilson (ODF), Julie Firman (ODFW), Josh Seeds (DEQ), Nick Palazzotto (ODF)

Technical Consultant and Guests: Troy Rahmig (ICF), Melissa Klungle (ICF), Corey Grinnell (ODF), Randy Smith (ODF), Robert LeFebvre (ODF), Daren Cone (ODF), Tyson Wepprich (ODF)

Facilitation Team: Cindy Kolomechuk (ODF), Sylvia Ciborowski (Kearns & West), Deb Nudelman (Kearns & West)

WELCOME AND INTRODUCTIONS

Deb Nudelman, Kearns & West welcomed members.

She reviewed the agenda, which included: 1) Agency updates and report out on the Steering Committee (SC), 2) Aquatic conservation strategy, 3) Effects analysis framework, 4) Overview of Chapter 6: Monitoring and adaptive management, 5) Confirm topics for SC update, 6) Approach going forward, next steps and summary

Cindy Kolomechuk, Oregon Department of Forestry (ODF) thanked members for their review of the HCP chapters. The project team will be sending chapters for review throughout August with a quick turnaround requested to be able to review all pieces prior to the October Board of Forestry (BOF) meeting. If members have any questions while they are reviewing chapters, they were encouraged to send an email to Troy Rahmig, ICF or Cindy rather than waiting until the next Scoping Team (ST) meeting. ST members were also encouraged to flag any parts of the HCP chapter that need further discussion or consideration before presenting to the BOF.

Cindy clarified that the BOF will only receive the HCP chapters that will inform the comparative analysis and their decision on whether to move forward with an HCP. All of these chapters will be in draft form. This will include Forest Management Plan (FMP) information relevant to the comparative analysis. The project team can share the FMP analysis with the ST prior to the BOF meeting, but it will likely not be a topic for discussion at the scheduled ST meetings.

Troy added that sections of the HCP will be presented as a placeholder, with notes that these sections are a work in progress. It is important that the BOF has enough detail to make an informed decision on whether to continue working on the HCPO, including assessment under a National Environmental Policy Act (NEPA) process, however, the BOF does not need to see all the details of the HCP in October.

AGENCY UPDATES AND REPORT OUT ON STEERING COMMITTEE MEETING

Members provided the following updates relevant to the Western Oregon State Forests HCP process:

Oregon Department of Fish and Wildlife (ODFW): The Fish & Wildlife Commission will hear the marbled murrelet reclassification topic in November. The BOF's decision in October will have a strong bearing on what the Commission decides in November.

Department of State Lands (DSL): A meeting was held with participants from the DSL, Oregon State University (OSU), and the ODF to discuss the differences between the aquatic strategies of the Elliott and Western Oregon HCPs to ensure the messaging on and distinctions between the HCPs is clear.

NOAA Fisheries: Provided some additional thoughts on NOAA Fisheries' level of alignment on the Elliott State Forests HCP.

Report Out on Steering Committee Meeting: Deb and Troy reported that a SC meeting was held on July 30. The team brought forward all of the major ST topics. The SC discussed coordination and messaging on the various HCPs in Oregon. SC members were interested in an information sheet that walks through the objectives, similarities, and differences between the Elliott and Western Oregon HCPs. The SC also discussed continued collaboration to be prepared for the NEPA process if it is approved, introduced the NOAA Fisheries NEPA Coordinator, and discussed how the various state and federal agencies can play a role in the NEPA process.

AQUATIC CONSERVATION STRATEGY

Troy introduced the aquatic conservation strategy and noted that today's discussion will focus on four key items: 1) Adjustments made to the Riparian Conservation Areas (RCAs), 2) Discussion on the strategy related to herbicides, 3) Final discussion on the Temperature Protection Zone (TPZ), and 4) Final discussion on road management. He noted that NOAA Fisheries has been interested in discussing how to integrate beaver management into the HCP strategies, and ICF will discuss that with NOAA Fisheries offline.

Roads Management

Troy noted that if NOAA Fisheries would like a follow-up discussion on the roads management strategy, ICF can connect with NOAA Fisheries offline since Tere O'Rourke was unable to attend today's meeting. Jim Muck, NOAA Fisheries replied that it would be helpful to walk

through the roads management strategy and chapters related to that topic. NOAA Fisheries and Troy will work offline to review and address questions related to roads management.

ODF asked whether the group should discuss future road density under the HCP, and whether there are specific viewpoints from NOAA Fisheries perspective.

Discussion

ST members discussed road management and provided the following questions and comments:

- NOAA Fisheries does not have a specific threshold for roads. It is suggested that roads within 200' of streams be minimized. It may be worth having a follow-up discussion to estimate potential sediment due to roads and to focus on where sediment affects fish. However, sediment is generally not a limiting factor for the covered species.

Beaver Management

NOAA Fisheries noted that beaver management should be included as a restoration activity, but not as a specific conservation action or strategy within the HCP. Troy encouraged NOAA Fisheries to review how beaver management is described in the restoration narrative, and comment on whether it seems sufficient.

Riparian Conservation Areas

Troy and Mike Wilson, ODF presented a change to the RCAs on seasonal fish-bearing streams. The team proposes increasing the buffer from 50' to 120' on those seasonal Type F streams. This change was made because the streams carry both covered and non-covered fish, and ODF uses a 120' buffer on seasonal Type F streams for non-covered species. There are not a lot of seasonal Type F streams on the landscape, so this is not a major change.

Discussion

ST members discussed the updated to the RCAs and provided the following questions and comments:

- Support for the change. The addition to the buffer for Type F streams provides more trees in the riparian area to better support winter rearing of fish.

Revised Temperature Protection Memo

Melissa Klungle, ICF presented updates to the Temperature Projection memo. The updated memo includes additional rationale provided by Josh Seeds, Department of Environmental Quality (DEQ) to support the TPZ. This memo was sent out the ST for review and feedback. This information will also be presented in chapter 5 of the HCP.

Josh clarified that the additional narrative provides more context related to downstream transmission and recovery of temperature impacts.

Discussion

ST members discussed the revisions to the Temperature Protection memo and provided the following questions and comments:

- The meetings open to the public should include an explanation of the reasoning behind the TPZ. An explanation would help show how the HCP meets conservation objectives and how the RCAs were derived.
- Are we ready to share the Temperature Protection memo with the public?
 - The project team noted it would be useful to share the memo with the public. It may be worth posting the document to the website so that all members of the public have equal access to the information.
 - ST members agreed to post the information to the website after the ST does a final review of the memo. ODF can let the public know that this information is available as we move closer to the September meeting open to the public.
- The ST discussed the following next steps:
 - The project team will send the revised Temperature Protection memo to the ST for review with a deadline of August 7. It was noted that the yellow highlighted sections in the Temperature Protection document are new, and that is where ST review can be focused. ST members were encouraged to consider how the TPZ impacts covered fish and torrent salamanders.
 - After ST review, ODF will work to distribute the memo to the public.

Approach to Herbicides in RCAs

Melissa and Robbie LeFebvre, ODF presented on the approach to herbicides in RCAs. It was noted that there is a separate herbicides strategy for upland areas. Key topics of the presentation included:

- The proposal is that there will be no aerial application of herbicides in RCAs. Under law, herbicide drift is not allowed, and accordingly ODF also does not allow drift. However, drift can inadvertently occur, and the HCP includes additional steps to ensure that drift does not reach RCAs. When aerial application of herbicides is conducted, the proposal is that there be an additional 15' buffer applied to ensure that spray does not reach the RCAs. ODF will use federal best practices for aerial spray. Additional pieces of the proposal include:
 - Pilots would be made aware of any sensitive areas prior to spraying.
 - ODF would walk seasonal streams ahead of aerial sprays. If there is water in the area, an additional buffer would apply.

- The timing of aerial sprays would avoid certain times or seasons to better protect the species and avoid sprays during periods of adverse weather conditions.
- The proposal is that some ground application of herbicides may occur inside RCAs, using Best Management Practices (BMPs).
 - It will be important for field workers to enter RCAs with backpacks and ground based equipment. A Forest Practices Act (FPA) buffer of 10' would apply, although in practice ODF usually uses a 20' buffer. The proposal is to allow for spot treatment in RCAs and allow for some spraying of invasive species near streams using herbicides that are approved near water.
 - Ground based application would follow all FPA and label requirements.
 - There will also be ground-truthing. ODF will not simply treat every unit of land. Instead, a monitoring program will be used to determine where to place drift cards.
- Monitoring and evaluation:
 - On an annual basis, ODF will provide a report on the number of acres that received herbicides (both ground and aerial application). This will be provided for the USFWS and NOAA Fisheries.
 - If there is drift in any way, ODF will evaluate why the drift occurred and may consider increasing the buffer if monitoring shows this is needed.
 - There could be an annual discussion with the federal services on the types of herbicides to use.

Discussion

ST members discussed the approach to herbicides in RCAs and provided the following questions and comments on aerial application of herbicides:

- Will there be treatments from March through May near fish-bearing water bodies? The terms like “minimize treatments” are not clear on what the strategy is.
 - ODF clarified that there are some cases where treatments could occur in that time period.
- The perennial streams above the TPZ have a smaller buffer under the current RCA strategy. Is the proposal to add a larger buffer on those areas to minimize drift when aerial spraying?
 - ODF replied that the proposal is not to add an additional buffer in those areas at this time, but to use the standard 15' aerial spray buffer proposed.
- A member suggested developing a monitoring plan to evaluate the herbicides approach.

- It is important to follow the herbicides label that does not allow for drift. However, helicopters create their own drift and we need to be aware of that.
 - ODF responded that with a 135' total buffer, there is a high level of confidence that aerial drift would not enter the RCAs.
 - A member noted that the agency tends to take caution and not allow aerial spraying in many cases. There is an information gap and some lack of data related to aerial spraying and riparian areas.
 - Upstream of the TPZ, the buffer is smaller. We may consider buffering perennial small type-N streams a bit more as it relates to herbicide application. It is important that herbicides do not enter the water.
- Members expressed no concerns with the manual/ground spraying proposal.
- ST members discussed reporting, monitoring, and evaluation:
 - Suggestion to have an annual report on drift cards to NOAA Fisheries that reports on the positive results and not necessary the negative results. This will provide more comfort with the approach, and better opportunity to adopt the herbicide application strategy.
- Suggestion analyze as many chemicals as possible in the first Biological Opinion to avoid having to develop additional Biological Opinions to analyze new chemicals later in the permit term. They may consider a review team to review the chemicals list. ODF noted that adding chemicals to the list over time is rare and will not occur often
- It was clarified that the expectation should be that the HCP include a list of chemicals, application methods, the potential areas to be treated by those chemicals, and how the application affects the covered species. This should be in the HCP, or else the HCP is not covering the herbicides application activity.

Troy reviewed next steps and noted the project team sent the Herbicides memo to the ST for review. If ST members have additional written comments, members were encouraged to provide those as soon as possible, ideally by August 7, or let the project team know if more time is needed. Then, the team will provide a revised version to the group.

AQUATIC EFFECTS ANALYSIS FRAMEWORK

Melissa provided an overview of the aquatic effects analysis. Key topics of her presentation included:

- Presented the general chapter structure for the effects analysis chapter (Chapter 5), which includes sources and types of take, impacts of the taking on salmon and steelhead, beneficial and net effects on salmon and steelhead, effects on critical habitat, and cumulative effects on salmon and steelhead

- Effects analysis by evolutionary significant unit (ESU): The effects analysis will consider effects on each category of fish species and will also break out analysis on Nehalem and Tillamook Bay independent populations of Oregon Coast Coho and Spring Chinook. Melissa provided justification for why the HCP will conduct an analysis of the Tillamook Bay and Nehalem independent populations.
- Provided an update on the frequency table and clarified the frequency definitions. An activity that occurs “frequently” intersects RCAs multiple times annually, “infrequent” activities intersect RCAs a few times annually, and “rare” activities intersects RCAs less than once annually.
- Reviewed the following changes to the frequency table:
 - The text in red is content that has been added since the ST last reviewed the table.
 - There is no harvest proposed in the RCAs, which is reflected in the frequency table.
 - Herbicide treatments have been added to the table, as well as their expected frequency and clarification on their occurrence adjacent to RCAs.
- The frequency table helps us understand how often activities occur. The effects analysis chapter provides detail on timing and intensity of activities.

Discussion

ST members discussed the aquatic effects analysis and provided the following questions and comments:

- Suggestion to include a table that shows a breakout of the populations affected.
- Discussion on location of documents. Troy suggested creating a folder on SharePoint that has the latest versions of all chapters and tables (a “current versions” folder), in addition to the folder that includes documents currently under review. For those that have trouble accessing SharePoint, ICF can circulate a list of items that are in the “current versions” folder, and then provide those documents as needed to ST members by email. Troy will let the group know when the folder is posted.

OVERVIEW OF CHAPTER 6: MONITORING AND ADAPTIVE MANAGEMENT

Troy noted that the team will send out the monitoring and adaptive management chapter (Chapter 6) later this week for review. The intent is to include enough detail for the BOF to make a decision in October, but there will be more work needed on the chapter after October.

Troy walked through the contents of the chapter and provided the following information and context:

- The chapter includes regulatory context, types of monitoring, an adaptive management overview, and how the adaptive management program will be structured.
- The intent of the monitoring program is to indicate whether the HCP is being successful, which means whether we are moving towards meeting the biological goals and objectives.
- There are two types of monitoring: 1) Compliance monitoring and 2) Effectiveness monitoring.
 - Compliance monitoring asks whether ODF is carrying out the requirements of the HCP, and whether activities are being carried out as described. There will be annual reporting to track this. The team will fill in details on this section in the HCP narrative after the October BOF meeting.
 - Effectiveness monitoring asks whether the effects of implementing the conservation strategy are working towards meeting the expected ecological results.

Troy reviewed a set of tables that summarizes the monitoring approach. The tables lay out the effectiveness and compliance monitoring actions and metrics for each conservation action nested under the various biological goals and objectives. There is one table for aquatic species and one table for terrestrial species. Key topics of the presentation included:

- Some conservation actions have both compliance and effectiveness monitoring associated with them, but some actions might only have compliance or effectiveness monitoring, not both.
- There is overlap in some of the rows; some monitoring actions serve multiple conservation actions and biological objectives.
- The terrestrial species table suggests an approach to conducting monitoring in five-year intervals.
- Remember that the HCP attempts to move away from pre-harvest survey work, and instead uses those funds in a proactive way to understand how species habitat is changing over time. The monitoring approach attempts to provide an approach that provides useful information about species habitat, and that validates habitat growth over time. The terrestrial monitoring approach strikes a balance between continued habitat modeling and a light touch on monitoring of individual locations.
- In their review of these tables, ST members are encouraged to provide input on the kind of monitoring actions proposed, whether other kinds of monitoring actions might be more appropriate, whether the proposed metrics seem appropriate, and thoughts on the frequency of monitoring. Frequency of monitoring is connected to cost of implementing the HCP; it is important to monitor frequently enough to answer questions, while keeping cost in mind.

Mike added a few considerations from ODF's perspective:

- The ODF contracts administration process can be leveraged to provide for ways to do compliance monitoring.
- ODF will be migrating inventory system to a LIDAR system that is cross validated with Forest Inventory and Analysis (FIA) plots. Reporting back on this in five-year increments is ideal, and the current table reflects that.

Troy provided context for the proposed adaptive management strategy in Chapter 6:

- The strategy includes adaptive management at the program level.
- The strategy contemplates that adjustments may be needed throughout the HCP permit term related to budgets, revision of implementation plans or operations plans, and revisions to operation policies.
- The chapter includes examples of adaptive management triggers and examples of how the program could adapt in response to those triggers. The team is looking for input on whether this approach to using examples is appropriate.
- The chapter includes a narrative on how adaptive management would be used in response to climate change.

Mike added additional context for how the ODF approaches adaptive management:

- ODF has a desire to get stakeholders more engaged in implementation of the HCP. The adaptive management process is a way to engage stakeholders. There is an opportunity to talk to stakeholders at the end of each implementation period to discuss how the HCP is playing out on the landscape.
- The triggers within the adaptive management strategy are critical and may need to be changed in the future. A structured decision-making approach has been considered by ODF as a way to change those triggers as needed throughout HCP implementation.

Troy reviewed next steps and explained that ICF will send the chapter and tables to the ST later this week. Members were encouraged to review and provide comments on the documents. The ICF/ODF team can set up small group meetings or follow up with members individually to answer questions as needed, rather than waiting for the next ST meeting.

As part of the cost and funding portion of the HCP and the comparative analysis, the team is considering the cost of the monitoring program. ICF/ODF may reach out to ST members to help consider the cost assumptions for the monitoring program.

Discussion

ST members discussed monitoring and adaptive management and made the following comments:

- NOAA Fisheries will develop a decadal take estimate on the amount of harvest that occurs throughout the life of the HCP. The agency will need to know how much was accomplished per ESU so that NOAA Fisheries can track its take statement annually. It is important to compare based on the decadal take estimate.
 - It was noted that the monitoring reporting approach includes this.

APPROACH GOING FORWARD, NEXT STEPS, AND SUMMARY

ODF and Deb thanked ST members for their participation.

Troy explained that there are two ST meetings left until ODF needs the final HCP materials for the October BOF meeting. ST members are encouraged to consider the topics that need further discussion, to ensure that they are included in the upcoming agendas.

Members noted the following topics were important to discuss at upcoming ST meetings:

- HCA refinements
- Pace and scale
- Conservation actions inside and outside of HCAs
- Effects and targets for biological goals and objectives
- Monitoring

Members discussed the process and approach to reviewing the chapters and provided the following comments:

- There may be an iterative process to review of Chapter 4.
- Some members noted that the chapters may require further discussion with the group. There are some more complex edits that the ODF/ICF team cannot simply incorporate or address without discussion.
- Members were encouraged to flag comments that would benefit from further ST discussion or that they would like discussed at full ST meetings.

Members were asked to review the Temperature Protection memo and Herbicides memo and provide comments and edits by August 7. As appropriate, the Temperature Protection memo would be posted to the website soon after.

Members will also receive draft HCP chapters for review later this week.

The SharePoint site will be updated to include a “current versions” folder. If the ST would like to make edits to any versions, members were encouraged to coordinate with ICF to ensure version control.

Upcoming Meetings

Deb reviewed upcoming HCP meetings which included:

- The next ST meeting is scheduled for August 25.
- The next SC meeting is scheduled for August 27.
- A joint stakeholder meeting is scheduled for August 6.
- The team will also be scheduling small group meetings as needed moving forward.

ACTION ITEMS

The following action items were identified throughout the meeting:

- NOAA Fisheries and Troy: Review and address questions related to roads management.
- Project Team: Send the Temperature Protection memo and Herbicide memo to the ST for review.
- ST: Review the Temperature Protection memo and submit any edits or comments by August 7.
- ODF: Distribute the Temperature Protection memo to the public after ST review.
- ST: Provide comments on the Herbicides memo by August 7, or let Troy know if you need more time.
- ICF: Create a “current versions” folder on SharePoint that has the latest versions of all the HCP chapters and tables and a folder that includes documents currently under review. Let ST members know when the folder is posted.
- ICF: Send the monitoring and adaptive management chapter (Chapter 6) to the ST for review.
- ST: Review the monitoring and adaptive management chapter (Chapter 6) and submit any edits or comments to ODF/ICF.