

MEETING SUMMARY

WESTERN OREGON STATE FORESTS HCP STEERING COMMITTEE MEETING

Thursday, August 27, 2020, 1:00 pm – 4:00 pm

By Webinar and Teleconference Only

ATTENDEES

Steering Committee: Liz Dent (ODF), 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), David Zippin (ICF)

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

WELCOME AND INTRODUCTIONS

Deb Nudelman, Kearns & West, reviewed the agenda. The key agenda topics included: 1) Agency updates and updates on stakeholder engagement, 2) Update on the development of the HCP and Scoping Team (ST) progress, 3) Effects and conservation benefits, 4) Discuss communicating agency support for the HCP, 5) Discuss October Board of Forestry (BOF) meeting, 6) National Environmental Policy Act (NEPA) update, 7) Steering Committee (SC) direction to the ST, and 8) Approach going forward and next steps.

Liz Dent, Oregon Department of Forestry (ODF), welcomed SC members and opened the meeting. She thanked everyone for their time and dedication.

AGENCY UPDATES

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

- **Oregon Department of Fish and Wildlife (ODFW):** Conservation staff are continuing to work on the marbled murrelet status review.
- **Department of State Lands (DSL):** 1) The agency is continuing to work on the Elliott State Forest HCP. DSL has the research platform component nearly complete and will continue to work on the governance structure and to decouple the HCP from the Common School Fund (CSF) lands revenue generating obligations. 2) The agency is working to fill a new position.

- **NOAA Fisheries:** 1) Some staff will be retiring in the next several months which will impact workloads, but the HCP is a priority effort. 2) Critical habitat has been proposed for southern killer whale and the agency is considering how to approach this. 3) The agency is considering a programmatic permit for the Siuslaw National Forest.
- **ODF:** 1) ODF has been working to engage with the counties regarding the HCP. The agency has reached out to the trust land counties and offered to meet with County Commissioners. The agency has met with some of the counties and have heard that they want information related to the HCP. At a recent meeting with Clatsop County, the HCP was largely well received, and there was interest in providing feedback. Ongoing litigation limits the amount of engagement with counties.
- **United States Fish and Wildlife Services (USFWS):** 1) The agency has been receiving comments on a critical habitat revision for northern spotted owl. 2) The agency will be publishing a final listing decision on Humboldt marten shortly.
- **Oregon State University:** Most classes will be remote for the fall term.
- **Department of Environmental Quality (DEQ):** 1) There are budget concerns due to COVID-19 especially for the water quality program. The next biennium will likely include layoffs, particularly in areas that are funded through the general fund. 2) Recently, the federal definition of “waters of the state” has changed. This will impact the permitting process for waters of the state, and the 401 and 404 certification processes may be also impacted.

REPORT OUT ON STAKEHOLDER ENGAGEMENT

Deb reported out that the project team met with a broad range of stakeholders in August. Approximately 30 stakeholders participated in the meeting. The ODF and ICF team shared more significant details about the HCP and stakeholders provided good questions and engaged in important discussion.

A meeting open to the public is scheduled for September 16. A joint stakeholder meeting will follow on September 24.

SCOPING TEAM UPDATE

Troy Rahmig, ICF, reported out that the ST has been working hard to review draft HCP chapters. The members are providing quick review and clearly prioritizing the HCP effort. As the ODF and ICF team receives ST comments on the draft chapters, the project team formulates ST meeting agendas around the key themes and concepts that are reflected in ST comments to then incorporate further changes into the HCP chapters.

The team is developing a work plan for items that will still be in process after the October Board of Forestry (BOF) meeting.

Troy presented an overview of the HCP chapters and appendices that have been reviewed or are currently under review by the ST. Key topics that are under discussion by the ST include:

- Management activities in Habitat Conservation Areas (HCAs).
- Species protections outside of HCAs and Riparian Conservation Areas (RCAs).
- Details related to road construction, maintenance, yarding corridors in RCAs.
- Herbicide application methods and chemical coverage.
- Adequacy of conservation strategy relative to effects on covered species.
- Level and type of species monitoring.

Cindy Kolomechuk, ODF, added that the ST feedback has been very helpful, and that the more specific feedback is especially useful as the team makes refinements to the HCP chapters.

Troy noted that the team will also provide the BOF with an outline of what is included in the draft HCP, and a list of what items will still need to be developed or refined after the October BOF meeting. The draft HCP that is presented to the BOF will include notations that some sections are still a work in progress.

EFFECTS AND CONSERVATION BENEFITS

Troy reviewed information related to the RCAs, including projected RCA stand age over time throughout the permit term. There is no management or harvest proposed within RCAs under the HCP, and projections show that the average age of trees will increase over time. By the end of the permit term, trees would have an average age of around 150 years old.

In October, the team will provide the BOF with a comparative analysis of the HCP and two versions of the Forest Management Plan (FMP). The analysis will provide information on the different conservation outcomes expected under the three plan options.

Troy provided an overview of projected northern spotted owl habitat under the HCP, including cumulative northern spotted owl suitable and highly suitable habitat gain and loss throughout the permit term as shown through the model. This information will be used to help inform the habitat growth acreage commitments for the biological goals and objectives. Troy then provided the updated biological goals and objectives for some species to show an example of how the model projections feed into the habitat acreage commitments.

Discussion

SC members discussed the effects and conservation benefits and provided the following questions and comments:

- Does risk and likelihood of wildfire over the 70-year permit term get factored into projections of habitat loss?
 - ODF expects some disturbance events of the next 70 years, but this is difficult to model. The agency is taking a conservative approach in setting habitat targets so that there is some flexibility in case of episodic events on the landscape that could impact habitat growth.

- The information is clearly presented, and it will be important to provide a clear narrative in addition to the graphs and quantitative projections to the BOF.

MONITORING AND REPORTING

Troy provided an update on monitoring and reporting under the HCP. There is interest in finding the right balance between tracking progress well, while at the same time not making reporting overly burdensome. The proposal is to have periodic monitoring annually, at five-year marks, and every ten years. Annual monitoring and reporting would focus on covered activities compliance and species monitoring. Five-year midpoint check-ins would occur throughout the HCP permit term for habitat validation monitoring. Every ten years, there would be a comprehensive review, as well as a discussion of the program and policy changes in response to monitoring results to allow for adaptive management.

Discussion

SC members discussed the monitoring and reporting approach and provided the following questions and comments:

- What resources are available to do monitoring, reporting, and check-ins?
 - ODF is working to rebuild its ability to provide a high level of monitoring and reporting. Under an HCP, the millions of dollars currently spent on annual surveys will pivot and can be used to support a more robust reporting and monitoring program. ODF does envision hiring some contractors, and potentially using structured decision making to engage stakeholders early in the process, which is most effective when a facilitator is used to facilitate those meetings.
 - Members asked how ODF can ensure that the responsibilities under the HCP are funded, even when it is not completely within ODF's control, and how ODF can guarantee or commit to this level of reporting and review. This may be a concern that comes up at the BOF meeting or through stakeholder meetings.
- Monitoring will need to demonstrate that we are making progress to the ultimate habitat growth goal.
 - ODF noted that this is the expectation, but it comes down to how we frame the biological goals and objectives. We expect that we will be working to meet the goals incrementally over time, although it is likely that habitat quality will greatly accelerate 40 or 50 years into the permit term.
- SC members agreed that the proposed monitoring and reporting approach seems reasonable and effective.

DISCUSS OCTOBER 6 BOF MEETING

Liz reported that the BOF will have a full day meeting on October 6 to focus on the Western Oregon HCP decision. New BOF members will be joining the BOF in early October, but the

HCP decision will lie with the current members. Liz described the proposed formatting for the meeting which included:

- At the meeting, ODF will spend some time describing the decision that the BOF is being asked to make. The BOF will determine whether the agency should continue to work on the HCP and move into the NEPA process; they are not being asked to approve the HCP as the path forward.
- Staff will then present the comparative analysis of the HCP, current FMP and draft FMP. The tradeoffs presented in this comparative analysis which will serve as the basis for that BOF decision.
- After that, the agency will describe what the stakeholder and county engagement has been like over the past couple of years.
- The Forest Trust Land Advisory Committee (FTLAC) will also provide testimony. However, there will not be an opportunity for ODF to provide HCP information to the full FTLAC prior to the HCP meeting.
- Verbal public testimony is allowed for this item.
- The meeting will also include invited testimony. ODF will invite stakeholders to provide testimony on a panel, and will include tribal, recreation, conservation community, industry community, League of Women Voters, and State Forest Advisory Committee (SFAC) input.
- This will be followed by the BOF discussion, and then the expected decision.

The BOF will receive materials on the HCP on September 16, which means that the internal teams will be working hard to have final materials ready by that time. The full comparative analysis document is not expected to be ready by September 16, but the executive summary will be completed.

Discussion

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

- The comparative analysis is important and will help demonstrate that the HCP cannot be considered in isolation. The HCP is one part of the state forests management.
- It will be important to keep reminding the BOF, stakeholders, and others that the BOF is making a decision on whether to move forward with developing an HCP, not on whether the HCP is the right path forward. At this point, the HCP provides enough level of detail to help the BOF make a decision, but it is not at the level of detail of a harvest plan, nor does it promise any specific level of harvest.
- Members noted that questions about the Elliott State Forests HCP and its relationship with the Western Oregon HCP will likely come up at the BOF meeting. Members noted that it will be important to message that the efforts are different, and that each HCP is unique, and difficult to compare them. It will be important to clarify that the type of

management anticipated under the two HCPs is distinct and the HCPs have different approaches.

- It will also be important to consider other Endangered Species Act (ESA) issues that are ongoing. There may be questions about the relationship between the HCP and other ongoing ESA, critical habitat, and species-related processes.

COMMUNICATING AGENCY SUPPORT FOR THE HCP

Liz introduced a discussion on how the SC could be engaged in the BOF meeting and suggested that the SC speak as a panel.

Discussion

SC members discussed how agencies could communicate support of the HCP and provided the following questions and comments:

- SC members agreed with the approach of having an SC panel at the meeting. Most members noted they were able to attend. Kevin Blakely may attend in place of Doug Cottam to represent ODFW.
- Liz thanked members and noted that the SC can have further discussion on whether to provide their testimony and comments verbally or through a draft joint written statement.
- The federal services noted they would be happy to work to develop individual statements to show support for where the HCP currently stands in the process. ODF would include the statement of support in the packet to the BOF.
- SC members also agreed it would be beneficial to have a broader, more general statement or memo from the SC as a whole. Several members also noted that they would be interested in providing verbal supportive statements at the BOF meeting.

NEPA UPDATE

Tere O'Rourke, NOAA Fisheries, provided an update on the NEPA process. She also noted that NOAA Fisheries could set up a small group meeting to provide a NEPA 101 if SC members had interest.

Key updates on the NEPA process included:

- NOAA Fisheries will be the NEPA lead.
- The process will likely be under the new NEPA regulations. If there is a change in the administration, there is a chance that those regulations will not be in place. NOAA Fisheries is undergoing an internal understanding on the regulations, and what the changes could mean.

- NOAA Fisheries has met with the NEPA contractors several times and discussed roles and responsibilities. There has also been early coordination with USFWS and discussions of early interests.
- The biggest question is what happens with any changes in regulations. NOAA Fisheries is taking pre-NEPA steps in hopes that we could meet either set of potential regulations.

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

The next SC meeting will be held on Thursday, September 29 from 1– 4pm. A final SC meeting will be held on October 28, 1– 4pm.

Other upcoming HCP meetings include:

- Meeting Open to the Public: Wednesday, September 16, 1– 4:30 pm. SC members are encouraged to attend to hear the feedback from the public.
- Joint Stakeholder Meeting: Thursday, September 24, 1 – 4 pm.
- BOF Meeting: Tuesday, October 6, 9 am – 5 pm.

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

ACTION ITEMS

The following action items were identified throughout the meeting:

- NOAA Fisheries and USFWS: Develop statements of support for the BOF Meeting.
- All: Work to develop a broader, more general statement of support or memo from the SC as a whole for the BOF meeting.