

# MEETING SUMMARY

## WESTERN OREGON STATE FORESTS HCP SCOPING TEAM

Tuesday, January 5, 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), Tere O'Rourke (NOAA Fisheries), Jeff Young (NOAA Fisheries), Mike Wilson (ODF), Nick Palazzotto (ODF), Julie Firman (ODFW), Josh Seeds (DEQ), Brian Pew (ODF)

**Technical Consultant and Guests:** Troy Rahmig (ICF), Aaron Gabbe (ICF), Melissa Klungle (ICF)

**Facilitation Team:** Cindy Kolomechuk (ODF), Sylvia Ciborowski (Kearns & West), Michelle Bardini (Kearns & West),

### WELCOME AND INTRODUCTIONS

Sylvia Ciborowski, Kearns & West, welcomed Scoping Team (ST) members. Meeting participants introduced themselves.

Sylvia reviewed the agenda, which included: 1) Agency Updates, 2) HCP Chapter Review Process and Schedule, 3) Terrestrial Strategy Key Updates, 4) Aquatic Strategy Key Updates, 5) Update on Fire Recovery Efforts, 6) Confirm topics for Steering Committee (SC) Update, and 7) Approach Going Forward, Next Steps, and Summary.

### AGENCY UPDATES

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

- **NOAA Fisheries:** 1) The agency is preparing for a transition as the federal government shifts political parties. 2) A number of people have retired from the agency.
- **Department of State Lands (DSL):** There is potential for the Elliott State Forest HCP to transition to Oregon State University (OSU).
- **Oregon Department of Forestry (ODF):** 1) The agency has done a lot of work on the HCP chapters to get them ready for ST review. 2) There was a legislative session at the end of December and ODF received funding for fire recovery efforts. 3) The Board of

Forestry (BOF) meets on Wednesday to discuss ODF's workplan. There are three members who are in the second year of a four-year term. There is interest to bring on four new BOF members.

Sylvia noted that there are several focused stakeholder meetings in late January/early February including:

- Stakeholder meeting with conservation interests on January 21, 2:00 – 4:00 pm
- Stakeholder meeting with recreation interests on February 3, 12:00 – 2:00 pm
- Stakeholder meeting with industry interests on February 4, 2:00 – 4:00 pm

Sylvia noted that ST members are invited to the stakeholder meetings to listen into the meetings and observe. The project team will be sure that stakeholders are aware that the ST is attending for listening purposes and will not be answering questions. If ST/SC members have something to add, they can chat with the project team.

The stakeholder meetings will discuss the National Environmental Policy Act (NEPA) process. Tere O'Rourke, NOAA Fisheries, will present this topic and help answer questions. The project team will coordinate with Tere offline.

## **HCP CHAPTER REVIEW PROCESS AND SCHEDULE**

Troy Rahmig, ICF, provided an overview of the HCP chapter review process and schedule. Key topics of the presentation included:

### **Where we have been, where we are, and where we are going:**

- ICF/ODF provided a draft of the HCP for ST review this past summer. The comments received in August and September were addressed.
  - A track changes version was sent to ST in September with most comments addressed.
  - Any unresolved comments were the focus of the ST and small group meetings from October through December.
- ODF will circulate a revised version of the HCP to the ST in January for another full review. ICF/ODF have been incorporating updated information as well as ST comments and feedback into the draft chapters. All updates will be in track changes.
- The ST was strongly encouraged to read the full administrative draft of the HCP and provide comments and edits. There are archive versions that the ST can refer to as needed.

**Schedule:**

- Troy presented the review schedule which included:
  - Chapters 1-3 and 7-10: ODF has reviewed and returned these chapters to ICF and will be sent to ST in early January.
  - Chapter 4-6: ODF is currently reviewing these chapters. These are expected to be sent to the ST in mid to late January.
- The ST will have four weeks to review the draft chapters. The ST review period will be from January through mid-February.
- The goal is to discuss the draft HCP chapters at the upcoming ST meetings. Additional small group meetings can be scheduled to discuss key topics as needed.
- The ST was encouraged to flag key issues and provide comments and feedback on the draft chapters. The intent is to develop the upcoming ST agendas around the key topics and issues members seek to discuss.

**Review Requests:**

- Troy reviewed a guide to support and focus the ST's review that outlined what comments would be most helpful and explained how to provide feedback. This included:
  - Review the entire document again.
  - The track changes indicate the new changes while the rest of the HCP provides context.
  - Offer specific comments, not general statements asking for more analysis or information. Provide citations or examples to help show what is being requested.
  - Focus on what is needed rather than what is nice to have.
  - Use track changes and describe why the edit was suggested using a comment bubble.
  - Highlight items that need further discussion using comment bubbles and note whether they need to be discussed with the ST or at a small group meeting, or elevated to the SC.
  - Flag key items you wish to discuss at future ST meetings. Members were encouraged to help build out future ST agendas.

**How Comments will be Addressed:**

- All ST comments and edits will be considered and addressed.

- Ultimately ODF will decide how best to incorporate edits or information offered by the ST as it relates to achieving their mandate to meet the biological goals and objectives and Greatest Permanent Value (GPV).
- If changes are not able to be incorporated, ODF will provide an explanation.
- The most important and impactful topics will be discussed in meetings with the ST and, if needed, the SC.

**Discussion:**

The ST discussed the HCP chapter review process and schedule and provided the following questions and comments:

- A member commented that there may be minor edits that they would like to comment on in the updated draft that are separate from the comments made in summer.
- A member noted that squeezing in additional small group meetings will be difficult. It would be preferable to discuss the draft HCP chapters at ST meetings. If small group meetings are expected to be needed, it would be helpful to put them on the calendar soon and cancel if needed.
  - The project team may reserve some time for small group meetings with the services in February to review and discuss the HCP.
- Has the fire resulted in changes in the HCP?
  - There are no changes to the Habitat Conservation Areas (HCAs). Some language has been added that describes the efforts to build resiliency. We also added language in the implementation chapter to ensure conservation stays ahead of the effects. Additionally, the project team is considering how to track compliance in that setting and have outlined restoration efforts.
- It is important to identify and address fatal flaws and missed items quickly before the HCP moves into NEPA.
- When will the permit application be submitted? The scoping notice will be different depending on whether there is a permit application or not.
  - There currently is not a timeline for submitting a permit application. ODF and ICF will discuss this offline and NOAA Fisheries will check with the agency on any requirements.
  - NOAA Fisheries noted they are beginning their internal NEPA team meeting this week. The intent is to begin the internal review in early February and publish in March.

Sylvia encouraged the ST to flag larger topics/issues and any gaps that need discussion at future meetings. She went around the virtual table to confirm alignment around the chapter review process, approach, and schedule.

Key ST comments included:

- Overall, members agreed with the review process and schedule. They noted they were prepared to review the revised version of the HCP and were committed to this process.
- The project team did a good job outlining expectations for the ST. It was helpful to clarify that ODF will make the final decision on what comments to incorporate.
- A member cautioned that some previous ST comments were not entirely addressed and there still could be issues to address at this stage. There will be a public comment period and depending on what the draft indicates, we will be asking the public to comment on particular aspects. The HCP has to stand on its own and will be evaluated under the Endangered Species Act (ESA).

Brian Pew, ODF, thanked ST members for their review and clearing their schedules to prioritize the HCP. He encouraged the ST to read the full document. The last polishing touches are important and can be the most time consuming.

ICF will send out a SharePoint link to the draft HCP chapters. This link will include a reader's guide that outlines the key changes in the revised draft. The project team will also distribute the key issues list that identifies where specific issues were addressed in the HCP.

It was noted that the public and the ST will have the opportunity to review the HCP again. The project team will also review any potential changes to the HCP with the ST that come out of the NEPA process.

## **TERRESTRIAL STRATEGY KEY UPDATES**

Troy walked through the key updates and fundamental changes to the terrestrial strategy that is reflected in the revised HCP. Key topics of the presentation included:

- Revised covered activities including herbicides, beaver management, and salvage.
- Revised the biological goals and objectives to reflect updates to Habitat Suitability Index (HSI) thresholds and address commitments by habitat type.
  - Presented updated biological goals and objectives with track change edits to reflect changes to the HSI.
- Updated several conservation actions including:
  - Action 7: Revised management in HCAs to provide additional sideboards.
  - Action 8: Revised retention requirements outside HCAs.

- Action 10: Expanded operation restrictions from northern spotted owl and marbled murrelet to include all species.
- Removed conservation fund as a conservation action and included it in the cost and funding chapter.
- Updates to the Effects Analysis include:
  - Revised all tables related to habitat gain/loss that resulted from changes to HSI thresholds.
  - Updated detail on effects to critical habitat for northern spotted owl and murrelet.
  - Added analysis for adjacent northern spotted owl nest locations.
  - Updated effects analysis for Oregon slender salamander.
  - Added effects analysis section for coastal marten.
  - Updated the “impact of taking” and “cumulative effects” section for all species.
  - Troy noted that the effects analysis is a key area for ST review to ensure there are no gaps.
- Monitoring chapter updates include:
  - Included narrative for each covered species monitoring requirements for effectiveness monitoring.
  - Expanded discussion about compliance monitoring related to HCA management and retention outside HCAs.
  - Updated table 6-2 to reflect changes in monitoring approach and biological objectives.
- Updates to the assurances and implementation chapter include:
  - Updated changed circumstances in response to fires.
  - Added a section on tracking of conservation fund expenditures.

## **Discussion**

The ST discussed the updates to the terrestrial strategy and provided the following comments and questions:

- Because there have been many moving pieces during the development of the HCP, it would be helpful to talk through key topics and ensure we have the right justifications at upcoming meetings.

- The HCP needs to be a stand-alone document. It would be helpful to know what each component of the HCP does or does not do. This will be clearer after the ST has read the updated chapters.
  - As a stand-alone document, the HCP needs to meet the biological goals and objectives and be in compliance with the ESA. The HCP will not address implementation of the plan or how ODF will meet GPV on the landscape; this will be included in the companion Forest Management Plan (FMP).
  - ODF will start developing the companion FMP in March and will engage agencies and stakeholders during this process. The keystone elements have been completed including the HCP. ODF will carry over best practices into the new plan.
  - During the ST review, we seek to ensure that there is enough detail in the HCP that you or the public can understand what the HCP will mean on the landscape. It is a constant balancing act on how much detail is in the HCP and how much is cited or included in the FMP.

## **AQUATIC STRATEGY KEY UPDATES**

Troy and Melissa Klungle, ICF, walked through the key updates to the aquatic strategy that is reflected in the revised HCP. Key topics of the presentation included:

- Revised covered activities to include updates to the herbicide application and beaver management.
- Reviewed an updated map that will be included in the HCP.
- Updates to the Covered Actions include:
  - Action 1: Provided additional justification for riparian buffer widths, including for wood recruitment, sediment delivery, and protection against temperature increase.
  - Action 3: Provided additional discussion on how stream enhancement activities will offset any effect that cannot be avoided or minimized.
  - Action 3: Included beaver management information related to stream enhancement for covered species.
  - Action 3: Included annual and ten-year metrics for number of projects completed.
  - Removed conservation fund as a conservation action and included it in the cost and funding chapter.
  - More sub-headers were added to help the reader better navigate the HCP.

- Created a strategic conservation action that provides a catch all for unique riparian or aquatic management actions.
- Effects analysis chapter updates include:
  - Provided some additional information about how the aquatic strategy will minimize effects regarding wood recruitment, sediment delivery, and stream temperature.
  - Updated effects analysis for torrent salamanders.
  - Added Southern Oregon/Northern California Coastal (SONCC) spring-run Chinook throughout document.
- Monitoring chapter updates include:
  - Included a narrative for the AIP and temperature monitoring but also provided a citation for Oregon Department of Fish and Wildlife (ODFW) protocol.
  - Expanded discussion about compliance monitoring related to Riparian Conservation Area (RCA) implementation and tracking.
  - Updated Table 6-1 to reflect changes in monitoring approach and biological goals and objectives.
- Updates to the assurances and implementation chapter include:
  - Added a changed circumstance regarding invasive aquatic species.
  - Added a section that provides details on the conservation fund and tracks expenditures.

**Discussion:**

The ST discussed the updates to the aquatic strategy and provided the following questions and comments:

- It was clarified that the conservation strategy and the effects analysis become tied together in chapter 5.
- There was interest to discuss the monitoring process for implementation. Having a small group meeting around this topic could be helpful so the ST can better understand the current program and process. It would be beneficial to build upon the current program rather than create a new one.
- It will be important to understand what level of detail is needed to be in compliance for monitoring. This will also give a better idea of the cost as well.



## **UPDATE ON FIRE RECOVERY EFFORTS**

Brian provided an update on the post-fire recovery efforts and explained how it effects the HCP. Key topics of the presentation included:

- In the North Cascade districts, there are 21,000 acres that have been impacted by the fire. 12,800 acres are within HCAs and are inside the fire perimeter with a variation in burn severity.
  - Brian will provide an update on the burn severity within the HCAs at the next ST meeting.
- There are ten proposed salvage sales. Of those ten, there are around 3,000 total acres of salvage harvest and around 1,200 acres of HCAs that could be salvage harvest. Stream buffers would be no harvest.
- Approximately 4% of the HCAs were burned. It is unclear whether the fire lines have affected the HCAs or impacted habitat.
- ODF is developing detailed reforestation plans before the timber sale harvest plan as well as a long-term reforestation plan. The intent is to recreate beneficial habitat for the species.
- ODF is revising the current implementation plan in response to the fires. This plan is intended to be interim until the HCP is in place.
- ODF is working with the BOF to extend a temporary forest closure to a permanent closure until further notice for safety reasons and to protect natural resources. ODF will give an update to the BOF in March, finalize the forest closure, and provide a plan for the future.
- Troy noted that an HCP plans for unforeseen circumstances in the future. A wildfire and other disturbances will happen again. It will be useful to have the wildfire in mind when reviewing the HCP to ensure there is enough information included in the HCP that it will provide guidance for managing fires in the future.

### **Discussion**

ST members discussed fire recovery efforts and provided the following questions and comments:

- Do the numbers in the tables in the HCP reflect the current reality of the forest? If the fire had an effect on the amount of habitat, it is likely to have an effect on the harvest scheduling. What is the magnitude of the effect and is the current situation reflected in the HCP?

- The tables in the HCP are generated from the modeling exercise. We have not overlaid the species models with the burn area. It will be important to evaluate the burn severity and consider the current condition on the landscape.
- Suggestion to include a footnote in the HCP to note the wildfire effects.
- Suggestion to take the current habitat condition and overlay it with burn severity and provide a separate table in the HCP. This could show how the fire effected the habitat suitability in certain areas.
- It is important to look at the stand types in the HCAs that were affected by the wildfire to better understand the magnitude and the effects. What is the rationale for salvage in the HCAs?
  - The interim policy was distributed to the ST and includes salvage activities in the HCAs. Salvage is used if it is believed that it will create better habitat quicker or if there are safety concerns. In the areas where we want to plant seedlings, some harvest will be made. The goal is to reestablish the forest and diversify the species.
  - Reforestation plans will also clarify what ODF is trying to achieve for the species and to advance the habitat. Brian will share ODF's reforestation plans with the ST.
- Will the effects of the wildfire be included in the effects analysis of the HCP? The key is to advance older forest stand development. A member encouraged ODF to use the lessons learned as we move forward.

## **CONFIRM TOPICS FOR STEERING COMMITTEE UPDATE**

The next joint SC-ST meeting is January 28 from 1-4 pm. By this meeting, the ST will have had a chance to review some of the HCP chapters. The ST was encouraged to reach out to the project team if there are any topics members would like to discuss at the joint SC-ST meeting. This group has done a good job over the past few years having difficult conversations and collaborating on complex topics. As we move to finishing the HCP, this is a time to flag major policy issues or concerns. We seek to have conversations in this forum to resolve any outstanding issues and seek alignment on the HCP.

This meeting will also include more information on the NEPA process and next steps. The project team will follow-up with Tere to coordinate offline.

### **Discussion:**

ST members provided the following comments:

- There are two key topics suggested for further discussion: 1) 120-year-old forest stands outside of HCAs and 2) Fiscal year 2022-2023 sales and salvage sales.

- A member supported discussing these topics and emphasized the importance of biological legacy and structural diversity.

## **APPROACH GOING FORWARD, NEXT STEPS, AND SUMMARY**

Sylvia thanked members for their participation and reviewed upcoming meetings. The next ST meeting is scheduled for January 26 from 10 am – 2 pm.

The ST will receive chapters 1-3 and 7-10 for review by the end of the week. The project team will provide an update on the timing of receiving chapters 4-6. The ST will likely receive these chapters for review during the third week of January, but potentially sooner. To support the ST's review, members will also be sent a reader's guide and a key issues list that identifies where key topics are addressed in the HCP.

Kearns & West will reach out to schedule additional ST small group meetings.

## **ACTION ITEMS**

The following action items were identified throughout the meeting:

- ICF/ODF: Decide when to submit a permit application for the HCP.
- NOAA Fisheries: Check in with the agency on any requirements for the permit application.
- ODF: Share small group meetings notes with the larger ST.
- ICF: Send out a SharePoint link to the draft HCP chapters 1-3 and 7-10, the reader's guide, and key issues list.
  - ODF/ICF: Provide an update on the timing of receiving chapters 4-6.
- ST: Review draft HCP chapters 1-3 and 7-10, flag key issues, and provide any feedback and comments.
- ODF: Provide an update on the burn severity within the HCAs at the next ST meeting.
- ODF: Share reforestation plans with the ST.
- Project Team: Coordinate with Tere on presenting the NEPA process at the 1/28 joint ST-SC meeting and stakeholder meetings.
- KW: Schedule additional ST small group meetings.