

# MEETING SUMMARY

## WESTERN OREGON STATE FORESTS HCP SCOPING TEAM

Tuesday, June 14, 2022, 9:00 am – 11:00 am

By Webinar/Video Conference

### ATTENDEES

**Participants:** Jeff Young (NOAA Fisheries), Rod Krahmer (ODFW), Julie Firman (ODFW), Josh Seeds (DEQ), Joe Zisa (USFWS), Nick Palazzotto (ODF),

**Technical Consultants:** Melissa Klungle and Jordan Mayor (ICF)

**Facilitation Team:** Sylvia Ciborowski (Kearns & West), Ellen Palmquist (Kearns & West)

### WELCOME AND AGENDA REVIEW

Sylvia Ciborowski, Kearns & West, welcomed Scoping Team (ST) members and reviewed the agenda, which included: 1) Welcome and Agenda Review, 2) Agency and Stakeholder Engagement Updates, 3) Updates on the National Environmental Policy Act (NEPA) Process, 4) Updates on the Forest management Plan (FMP), 5) Aquatic Strategy Updates, 6) Terrestrial Strategy Updates 7) ODF Sale Transition Planning, 8) Adaptive Management, and 9) Approach Going Forward, Next Steps, and Summary.

### AGENCY AND STAKEHOLDER ENGAGEMENT UPDATES

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

- **NOAA Fisheries:** No updates.
- **ODFW:** No updates.
- **DEQ:** Josh Seeds was hired for the lead forest water quality position and will have more time designated to state and private forestry work moving forward.
- **ODF:** No updates.

Sylvia Ciborowski, Kearns & West, provided a report out from the Steering Committee. The SC shared the importance of the ST staying the course and working together to raise and address issues. The SC shared that there are no major changes of course expected for the HCP and that ODF is committed to staying on-track.

## UPDATES ON THE NEPA PROCESS

### DEIS Public Comment

Michelle McMullin, USFWS, shared that during the public comment period 2,852 comments were received, including comment letters. Key comment themes will be available in the upcoming weeks. ICF and NOAA Fisheries are currently reviewing comments and categorizing them for topic leads. USFWS, ODF, and NOAA Fisheries will work on responding to comments.

### HCP Comment

Melissa Klungle, ICF, shared that ICF is working on coding HCP comments. A summary of key comments and themes will be released to ODF in the upcoming weeks for review. Any comments that would result in substantive changes to the HCP will be shared with the ST by the end of July and discussed during ST meetings. Potential changes will also be shared with the NEPA Team. One comment letter was received for the HCP with substantive comments from the Wild Salmon Center. These and other comments will be available for ST review during the August 2 ST meeting.

## Discussion

**Question:** What will comment responses include?

- **Michelle McMullin:** The Final EIS will include an appendix for comment response. Some comments may be grouped together and will only require an acknowledgement as a response. NOAA Fisheries anticipates responding to the majority of comments broadly. There will also be comments that require specific responses and edits to the DEIS.

**Question:** How will agencies determine if a comment is substantive or not?

- **Michelle McMullin:** A comment may be substantive if it is well thought out, directed at a specific section or plan, and follows comment directions. The comment may also be substantive if it provides alternative information to consider or clarifies existing information.

**Question:** When would a comment result in a change to the Public Draft HCP?

- **Melissa Klungle:** There will likely be changes that result from the NEPA comment period. It is not unusual to receive public comments that provide additional information or new science that wasn't considered. It is not expected that incorporating this into the document will impact the overall NEPA process.

## UPDATES ON THE FMP

Bodie Dowding, ODF, provided an update on the FMP, noting that there have not been recent changes to the timeline. Bodie reviewed progress for the following FMP sections:

- Adaptive Management, Research, and Monitoring Guidelines – draft
- Goals and Strategies – draft

- Implementation Guidelines and Asset Management Guidelines – draft
- Forest Resource Description – information gathered
- Management Approach – draft
- Introduction – not started

Bodie shared that Goals and Strategies were sent to the State Partners for review on June 13. The next State Partner review will focus on Implementation Guidelines and Asset Management Guidelines. This will also be sent to the State Forests Advisory Committee (SFAC) for review. Once the Leadership Group approves the Management Approach, this will also be distributed for State Partner review. ODF will draft the introduction as other sections are completed.

## **AQUATIC STRATEGY UPDATES**

### Fish Salvage

Melissa Klungle shared that ODF has been working with NOAA Fisheries to describe fish salvage activities in Chapter 3 of the HCP. ODF anticipates having 200 projects that may require fish salvage over the course of the permit term. ODF updated the effects analysis to include clear connections to fish salvage as a covered activity and will send language out after the meeting for review and input. Melissa encouraged participants to share feedback before the upcoming ST meeting June 28 and shared that fish salvage would be an agenda topic.

## **TERRESTRIAL STRATEGY UPDATES**

Nick Palazzotto shared updates from the Terrestrial Small Group Meeting on June 7.

### Management Thresholds

In Spring 2020, ODF set habitat commitments based on definitions for habitat suitability. In Fall 2020, ODF adjusted management thresholds in Table 4-11 to address ST concerns about management in higher quality habitat. ODF did not realize that this did not align with the habitat commitments and did not change the commitments to match the management thresholds. Making changes to the commitments now does not produce logical results reflective of the land base. For example, when highly suitable is moved from .8 to .6, the landscape is made up of mostly “highly suitable” habitat and little “suitable” habitat. ODF’s proposed solution is to revert back to the Spring 2020 suitability definitions and to maintain assurances around levels of suitability for management. For habitat in the .6 to .8 range, the activities would be infrequent and limited to certain types of treatments.

## **Discussion**

*Sylvia asked if the ST had any concerns with the approach. The ST did not raise any concerns and shared that they were comfortable moving forward with the approach.*

### Habitat Commitments versus Projections

Nick Palazzotto shared that ODF prefers to use a habitat target rather than a range, based on lessons learned from using ranges in the FMP. Nick also shared that ODF is interested in

providing assurances while having flexibility to adapt management overtime. ODF feels confident in achieving the baseline commitment given the size of Habitat Conservation Areas (HCAs) and the potential for disturbance. Nick shared a proposal in Chapter 4 to clarify that once the habitat target is met, all the restrictions will still apply to habitat in HCAs. Nick shared draft text explaining that “projected habitat acres beyond the committed acres are not considered excess acres that could be subject to more flexible, intensive, or revenue-driven management”. ODF intends to attain as much habitat as possible in HCAs and will plan management activities accordingly.

## **Discussion**

*Sylvia Ciborowski asked ST members if they felt comfortable moving forward with the approach. Members shared that the language looked good and added the following comments:*

**Comment:** Recommend removing “will help” from “will help ensure” to be consistent with the first sentence.

**Comment:** In the biological opinion, USFWS will analyze a range. USFWS will work to align the biological opinion with the HCP as much as possible to reduce public confusion. Recommend having the graphics in the HCP show a range.

- **Melissa Klungle:** ODF is working on making changes to the graphics, including adding a commitment line to a harvest versus growth chart in Chapter 5. ODF will share updates with the ST when they’re available.

## **ODF SALE TRANSITION PLANNING**

Nick Palazzotto shared an update on sale transition planning. Starting in fiscal year (FY) 2024, ODF will require all sales to be compliant with the HCP. Nick noted that sales contracts are typically for three years. 2022 and 2023 sales were sold in advance of the HCP and include activities in HCAs. ODF has been working on aligning these sales plans with the HCP by avoiding clear cutting and other activities. ODF will include language in the HCP that sales sold prior to the HCP may not be fully compliant with HCP constraints and will share this language with the ST when it’s ready to review.

Nick shared data on sales that could potentially be under contract on July 1, 2023 and noted that some of these sales may be harvested before the HCP is finalized. ODF will share information on age class and stand structure with the ST when it’s available. Nick shared that there is one older (over 80 years) alder stand hard target and one older densely stocked conifer stand.

## **Discussion**

**Comment:** This information is helpful and transparent. It helps tell the transition story.

**Question:** Has ODF considered the use of alternate sales?

- **Corey Grinnell:** In the past, alternate sales were used if something unexpected happened, like finding a bird. If an alternate sale wasn’t used in an Annual Operations Plan (AOP), it would be rolled over to the next AOP. For FY 23 and 24, ODF is using

alternate sales that are outside of HCAs. If an alternate for FY 21 or 22 is in HCAs and was not use, it will not be used moving forward. ODF has used alternates that are not in HCAs to make up a planned sale.

## **ADAPTIVE MANAGEMENT**

Melissa Klungle reminded the ST that updated adaptive management language was shared with the ST in early May. The language includes more details on engagement with the Services and the feedback loop for the adaptive management process. When adaptive management needs to occur, the Services will be involved in identifying appropriate responses and ODF will determine what to implement. Melissa noted that ODF received feedback from DEQ to provide clarity and tighten up the language.

*Sylvia asked ST members if they had a chance to review and if they're comfortable with the language. ST members shared that they wanted to take another look at the language.*

**Question:** How will issues identified in the DEIS during small group meetings be reconciled?

- **Melissa Klungle:** There are ongoing conversations between the Services. If there are questions or concerns, working directly with NMFS as the lead federal agency is the best approach. ICF will also check with the NEPA Team on the preferred approach.

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

Sylvia Ciborowski shared upcoming meetings before closing the meeting. Sylvia noted that additional meetings may be needed to move through substantive HCP comments. Kearns & West will work with ST members to schedule meetings as needed.

### Upcoming Meetings:

- Tuesday, June 28 9-11am – *HCP Scoping Team Mtg*
- Tuesday, June 28 12-2pm – *FMP State Partners Mtg*
- Tuesday, August 2 9-11am – *HCP Scoping Team Mtg*