

# MEETING SUMMARY

## WESTERN OREGON STATE FORESTS HCP STEERING COMMITTEE MEETING

Tuesday, August 30, 2022, 9:00 am – 11:00 am

*By Webinar and Teleconference Only*

### PARTICIPANTS

**Steering Committee:** Mike Wilson (ODF), Craig Rowland (USFWS), Joe Zisa (USFWS), Kim Kratz (NOAA Fisheries), Kate Wells (NOAA Fisheries), Kevin Blakely (ODFW), Bill Ryan (DSL), Leah Feldon (DEQ)

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

**Facilitation Team:** Sylvia Ciborowski and Ellen Palmquist (Kearns & West), Cindy Kolomechuk (ODF)

### WELCOME AND AGENDA REVIEW

Sylvia Ciborowski, Kearns & West, reviewed the agenda which included: 1) Welcome and Agenda Review, 2) Agency Updates and Stakeholder Engagement, 3) National Environmental Policy Act (NEPA) Process Update, 4) Habitat Conservation Plan (HCP) Public Comments and Finalization Process, 5) HCP Scoping Team (ST) Update, 6) September 7 Board of Forestry (BOF) Meeting, 7) HCP ST and Steering Committee (SC) Engagement, 8) SC Direction to ST, and 9) Approach Going Forward, Next Steps, and Summary.

### AGENCY UPDATES AND STAKEHOLDER ENGAGEMENT

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

- **ODF:** Mike Wilson (ODF) stressed the importance of the ST and SC continuing to meet into 2023. Mike shared appreciation for everyone's commitment to the process and that ODF will continue to be mindful of other workloads.
- **NOAA Fisheries:** Staff are managing capacity while working on the Port Blakely HCP, the Elliott State Forest HCP, and the Private Forest Accords HCP.
- **DSL:** Staff are working on the Elliott State Research Forest HCP. Public review for the NEPA process will begin in September.
- **ODFW:** Staff are working on the Private Forest Accords HCP.
- **DEQ:** 1) The Director of the Oregon DEQ announced retirement in June. A national recruitment for this position will begin in early September. DEQ is also hiring for a Northwest Region Administrator. 2) A Memorandum of Understanding with ODF was

presented to the DEQ Commission six months ago. DEQ is going through the same process with the Department of Agriculture. The MOU is currently available for public comment and the DEQ Commission will receive an update during the September meeting.

- **USFWS:** No updates.

### Stakeholder Engagement Updates

Sylvia Ciborowski noted that the September BOF meeting is a good opportunity to be reminded of the collaborative process of the HCP. Sylvia shared that ODF will hold meetings open to the public in early 2023 to provide information on the Draft FMP and modeled outcomes. ODF will also provide an update on the HCP and potentially the NEPA process. ODF will keep SC members up to date when the meetings are scheduled.

### **Discussion**

**Question:** What is the earliest ODF will receive modeling results?

- **Mike Wilson:** ODF will start to see model results in early October. Modeling is an iterative process, and the results will be vetted over the next several months.

**Question:** How is the BOF navigating feedback received from stakeholders?

- **ODF:** The BOF is working to balance stakeholder interests. ODF staff are modeling more refined FMP and HCP outcomes and will share an update with the BOF in March. During the BOF meeting on September 7, ODF will review the robust process and public engagement for the HCP and the purpose of the business decision.

### **NEPA PROCESS UPDATE**

Kate Wells, NOAA Fisheries, shared that NOAA Fisheries is processing comments from the NEPA public comment process. Comments are available to view at [regulations.gov](https://www.regulations.gov). Kate also provided an update on the NEPA timeline.

### **HCP PUBLIC COMMENTS AND FINALIZATION PROCESS**

Melissa Klungle, ICF, shared that ICF and ODF are in the process of reviewing comments for the HCP. ICF identified 250 substantive comments that required a response. Comments are related to process and scope, species, conservation strategies, the effects analysis, monitoring and implementation, and more. ICF identified approximately 100 additional comments that were not substantive and did not require an individual response. Preliminary draft responses will be provided to the Services the beginning of September for review. Feedback is due back on September 23. While out for review, the HCP team will work on finalizing responses. The response will be incorporated into the Environmental Impact Statement (EIS) appendix after review by the Services.

Melissa shared that all substantive changes to the HCP have been discussed with the ST and SC. Moving forward, ODF will focus on minor updates associated with comments, such as adding clarity or additional citations. ODF will share a track changes version of the HCP with the

NEPA team to support the drafting of biological opinions (Bi-Ops). The track changes version of the HCP will also be shared with the ST. Melissa noted that the ST is not responsible for reviewing HCP public comments and responses.

## **SCOPING TEAM UPDATE**

Melissa Klungle shared updates from the August 2 ST meeting:

### Roads

Melissa Klungle shared that ODF made several updates to roads in Chapter 3 Covered Activities. ODF conducted additional modeling during the public comment period to identify more accurate projections for road miles constructed over the permit term. Additional modeling resulted in a decrease of road miles from 25.5 miles to 19.5 miles per year. ODF also added additional graphics and information in the HCP to explain why more road construction will take place during the beginning of the permit term.

ODF is discussing how to present data for use in the Bi-Ops with NOAA Fisheries. To accommodate requests, the total number of road miles may be adjusted to ensure that ODF has coverage needed for the Incidental Take Permits (ITPs) by evolutionarily significant unit (ESU). Melissa noted that any updates made at this point will not have an effect on the HCP or NEPA analysis.

### **Discussion**

**Question:** What is the average number of roads and how many roads will be constructed over the permit term?

- **ODF:** On average, 19.5 roads will be constructed per year over the course of the permit term for a total of 1367 miles of road. NOAA Fisheries is using the upper boundary for the Bi-Ops. ODF wants to ensure coverage for all possible road construction even if the construction is pulled back once units are harvested. Some roads will be constructed on the same footprint, but it is difficult to determine how it will play out with spur and collector roads.

### Recreation Commitments

Melissa Klungle shared that ODF's Recreation Education and Interpretation (REI) group conducted more robust planning during the public comment period to project the total number of trail miles constructed during the permit term. They determined that the 420 trail miles included in the Public Draft HCP was not accurate and increased the total number to 600. ODF will revisit this and characterize it by ESU, similarly to roads.

### Adaptive Management

Melissa Klungle shared that ODF held a small group meeting with the Services and is working through comments from NOAA Fisheries on adaptive management. ODF will work with the ST to understand any changes made or any connections that are clarified in the HCP.

## **SEPTEMBER 7 BOF MEETING**

Sylvia Ciborowski shared that the BOF will receive an update on the HCP and the NEPA process on September 7 at 2:15pm. Sylvia encourage the SC to listen in to the meeting.

## Discussion

**Question:** Will the Board expect an update on the nature of the EIS comments?

- **NOAA Fisheries:** NOAA Fisheries is not able to provide an update on the nature of comments on the Draft EIS because the synthesis is part of the process of responding to comments, and the process is not yet complete. The Board can review the comments at [regulations.gov](https://www.regulations.gov).
- **ODF:** ODF is providing the BOF with a one pager that summarizes comments and responses on the Draft HCP related to process, content, and outcomes. The responses did not result in fundamental changes to the HCP.
- **Members:** Members discussed their interest in showing support for the HCP process throughout the past years of HCP development.

## HCP ST AND SC ENGAGEMENT

Cindy Kolomechuk, ODF, shared that ODF will provide the modeling outcomes analysis for the HCP to the BOF in March 2023. Cindy noted that modeling started with the business case analysis and was followed by a comparative analysis. This round of modeling will include an outcomes analysis with strategies from the HCP and FMP. The outcomes analysis will help the BOF weigh the benefits of take avoidances versus ITPs. Cindy shared that several critical BOF decisions are coming up. ODF will ask the BOF to approve the FMP in Spring 2023 and start a rulemaking process in July 2023. In September 2023 ODF will ask the BOF for direction on implementing the HCP and the ITPs.

Cindy also provided an update on the HCP timeline and engagement. ODF will finalize the HCP in November 2023 for purposes of EIS analysis and will release the Final HCP when the Final EIS is available. ODF will also provide a summary of changes for the HCP. Cindy noted that ODF plans to continue having regular ST and SC meetings. Moving into winter and spring, the focus of the SC and ST will shift to the NEPA process and the FMP. Cindy also noted that the FMP State Partners have been engaged and providing feedback on the Draft FMP.

## Discussion

**Question:** Why is FMP rulemaking scheduled to take place before the Final EIS?

- **Cindy Kolomechuk:** ODF determined that it would be more difficult to come into compliance with the HCP than to move out of compliance with the HCP. The Board is aware of the overlapping timelines and has asked that the FMP rulemaking process be streamlined to coordinate the plans sooner rather than later. ODF would not move forward with completing rulemaking until there is a decision on the HCP. If the decision is not to move forward with the HCP, modifications will need to be made to the FMP.

**Comment:** The BOF's decision on HCP implementation has the potential to affect other planning efforts.

- **Cindy Kolomechuk:** Agreed that interruptions to the Western Oregon HCP have the potential to impact other HCP efforts in the state. She indicated that ODF is impressing upon the Board the relationships that have been formed and the strength of the process.

Another reason for the SC to continue meeting is to respond as needed to Board direction over the coming months.

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

Sylvia Ciborowski asked the SC if they had any direction for the ST. The SC did not provide any specific direction.

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

Sylvia Ciborowski reviewed upcoming meetings and closed the meeting:

- Tuesday, September 6 9-11am – *HCP Scoping Team Mtg*
- Tuesday, September 20 9-11am – *HCP Steering Committee Meeting – cancelled*
- Tuesday, October 4 9-11am – *HCP Scoping Team Mtg*
- Tuesday, November 1 9-11am – *HCP Scoping Team Mtg*
- Tuesday, November 8 9-11am – *HCP Steering Committee Meeting*