

MEETING SUMMARY

WESTERN OREGON STATE FORESTS HCP STEERING COMMITTEE MEETING

Thursday, March 4, 2021, 12:00 pm – 2:00 pm

By Webinar and Teleconference Only

ATTENDEES

Steering Committee: Liz Dent (ODF), Paul Henson (USFWS), Kim Kratz (NOAA Fisheries), Tere O'Rourke (NOAA Fisheries), Jennifer Wigal (DEQ), Doug Cottam (ODFW), Bill Ryan (DSL), Dan Edge (OSU)

Technical Consultant and Guests: Troy Rahmig (ICF), David Zippin (ICF)

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

WELCOME AND INTRODUCTIONS

Liz Dent, Oregon Department of Forestry (ODF), welcomed Steering Committee (SC) members and opened the meeting. She thanked SC members for their continued engagement in the HCP process.

She noted that ODF presented the Santiam post-fire restoration and Implementation Plan at the Board of Forestry (BOF) meeting yesterday and expressed appreciation for Department of Environmental Quality (DEQ) and Oregon Department of Fish and Wildlife's (ODFW) attendance and support during the meeting.

Sylvia Ciborowski, Kearns & West, reviewed the agenda which included: 1) Agency updates and stakeholder engagement updates, 2) Overview of the draft HCP chapter changes, 3) Update on the NEPA process, 4) Roundtable discussion on revised administrative draft HCP, 5) SC direction to the Scoping Team (ST), and 6) Approach going forward and next steps.

AGENCY UPDATES AND STAKEHOLDER ENGAGEMENT

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

- **ODF:** 1) The agency is working to develop the companion Forest Management Plan (FMP). 2) Three new BOF members have been confirmed by the Senate.

- **United States Fish and Wildlife Service (USFWS):** USFWS published critical habitat for northern spotted owl. The public comment period closes on March 31, 2021.
- **Department of State Lands (DSL):** The agency is focused on the Elliott state forest HCP process and the on-going legislative work.
- **NOAA Fisheries:** 1) The agency is continuing to work on the Elliott state forest HCP and the Oregon private forests HCP. 2) Jim Muck retired last week. Michelle McMullen will be the NEPA lead and Jeff Young will be the technical lead for the Western Oregon State Forests HCP.
- **DEQ:** DEQ is working with ODF on various forestry issues.
- **Oregon State University (OSU):** David Noakes, Oregon Hatchery Research Center Director, passed away. OSU and ODFW are working to fill this position.
- **ODFW:** 1) The agency is working on the Oregon private lands HCP and Memorandum of Understanding (MOU). 2) ODFW is working on several legislative bills and wolf management efforts.

Sylvia provided an update on stakeholder engagement efforts. The project team conducted three focused group meetings with industry, conservation, and recreation stakeholders. There is a follow-up conservation stakeholder meeting scheduled for March 10 to discuss the modeling used in the HCP and landslides initiation sites and steep slopes. ST and SC members are encouraged to attend and listen in. The calendar invite has been forwarded to the SC.

At the last SC meeting, the project team presented key elements of the HCP. This information has been incorporated into a document and distributed to the SC and ST for agency use and to ensure consistent messaging on the key aspects of the HCP.

Sylvia reviewed the document with the SC. She noted that the ST suggested adding information around providing certainty for timber harvest and forest management objectives.

The SC discussed the HCP key elements and provided the following comments:

- Suggestion to label degrees as either Celsius or Fahrenheit.
- It will be important to clarify in the document that the HCP is under development and not yet finalized. Suggestion to note that the HCP key elements are proposed and in draft form.
- Suggestion to include a message that describes where we are in the HCP process and outlines next steps.

The project team will update the HCP key elements document to incorporate the SC and ST's proposed edits and will distribute a revised version.

OVERVIEW OF THE DRAFT HCP CHAPTER CHANGES

Troy Rahmig, ICF, reviewed the HCP progress and schedule. The ST has reviewed the draft chapters of the HCP and submitted comments. The ODF/ICF team is currently working to incorporate the ST's comments into the HCP and revise the document. The project team has been holding ST and small group meetings to discuss key issues, comments, and concerns with the HCP. Most ST comments were seeking clarifications. There have been no fundamental changes to the HCP structure or components.

Troy reviewed the key topics that arose during this HCP review and revision process and reviewed the key changes to the draft chapters. Key topics of the presentation included:

- Updates to the conservation strategy including:
 - Describing terrestrial habitat commitments and includes ten-year habitat estimate graphs.
 - Evaluating overlapping seasonal operation restrictions.
 - Refocusing the strategic aquatic conservation action.
- Changes to the monitoring strategy including:
 - Centering the chapter around the biological goals and objectives.
 - Differentiating between compliance and effectiveness monitoring.
 - Clarifying when surveys would begin and the duration of those surveys.
- The changed circumstances section has been revised.

Cindy Kolomechuk, ODF, then provided updates on the HCP process and timeline. Key topics of the presentation included:

- The revised HCP will be completed by the end of the month. The updated draft of the HCP will be posted to the ODF website when it is available.
- The following information will be posted on the ODF website to clarify the process and next steps for the public:
 - The draft HCP currently on the website is the October draft. This version was presented to the BOF at the October 6, 2020 meeting.
 - The updated draft of the HCP will be posted on the website in the coming weeks.
 - When the draft is posted, ODF will provide details on what type of feedback NOAA Fisheries is soliciting at that time.
- Efforts to develop alternatives will begin in March or April and will be led by NOAA Fisheries and ICF NEPA team. ODF has a role in NOAA Fisheries' selection of alternatives as the alternatives will need to be implementable by ODF. ODF will be helping to develop goals and screening criteria to include in NOAA Fisheries' criteria.

Discussion:

The SC discussed the HCP timeline and process and provided the following questions and comments:

- Suggestion to post a timeline on the ODF website outlining the various opportunities to provide public comment throughout the NEPA process and specify what type of feedback is being solicited.
- Suggestion to clarify when stakeholders will have an opportunity to provide input on the alternatives process during the NEPA period.
- Members discussed the process to develop alternatives under NEPA.
 - It was clarified that in a typical NEPA process the preferred alternative is often crafted from a variety of proposed alternatives. NEPA for an HCP is a little different. The federal agency is making a decision on whether or not to issue an incidental take permit, and has less ability to craft a hybrid alternative.
 - Alternatives will not be addressed during the scoping period. When NOAA Fisheries releases the draft Environmental Impact Statement (EIS), alternatives can be listed for input or comment. The preferred alternative would be included in the final EIS. The intent is to identify a preferred alternative that is sufficient for ODF and the services.
 - It was clarified that the intent is to identify a range of alternatives to evaluate during the NEPA process.
- What is the relationship between the proposed action and the preferred alternative?
 - The HCP is the proposed action and will be one of the alternatives considered (the action alternative). During the NEPA process, NOAA Fisheries is responding to ODF's application for an incidental take permit.
- It was noted that there is rarely an alternative that includes less conservation because it is assumed that the federal agencies have been negotiating in good faith and that an alternative with less conservation would not meet permit issuance criteria.

UPDATE ON NEPA PROCESS

Tere O'Rourke, NOAA Fisheries, provided an update on the NEPA process. Key topics of the presentation included:

- NOAA Fisheries met with tribal governments last week to provide an introduction to the HCP and NEPA process. Six tribes were in attendance. There will be additional tribal consultation opportunities throughout the NEPA process.
- On March 8, 2021, the Notice of Intent (NOI) will be published in the Federal Register. The publication of the NOI will start the public scoping process.

- NOAA Fisheries will distribute an e-blast to announce the NOI publication and provide a link to the document.
- The public scoping meeting is scheduled for March 31, 2021. The public scoping process is from March 8 – April 7, 2021.

Discussion:

The SC discussed the NEPA process and provided the following questions and comments:

- What type of public comments is NOAA Fisheries soliciting during the public scoping process?
 - NOAA Fisheries is asking the public if there is any scientific information that the agency should be evaluating and is there anything of interest that the public would like to see in the HCP. The public scoping process is an introduction to the HCP and NEPA process, however, NOAA Fisheries anticipates that the public will provide proposed alternatives. All feedback and public comments can be submitted at www.regulations.gov. NOAA Fisheries and the ICF NEPA team will be reviewing and responding to public comments.
- It was clarified that public comments should be directed to NOAA Fisheries during the public scoping process. The public scoping process is the official 30-day comment period and comments will need to be submitted at www.regulations.gov to ensure the comment is included in the record. The comments received on the administrative draft HCP during the official NEPA public comment processes will require written response, but those received prior to the public comment period, including those received during public scoping, do not require a written response.

ROUNDTABLE DISCUSSION ON REVISED ADMINISTRATIVE DRAFT HCP

Sylvia went around the virtual table and asked SC members to provide final thoughts on the revised draft of the HCP. SC members were encouraged to provide any reflections, questions, or concerns, or accolades on the HCP. She noted that this is the final opportunity to provide input on the draft HCP before heading into NEPA.

SC members provided the following reflections and comments on the draft HCP:

- A member reflected on an audit of the Washington Department of Natural Resources HCP and offered lessons learned. It was noted that the issues had to do with adaptive management, human relations, and ambiguity in how the HCP was written. As the Western Oregon HCP progresses, the HCP will need to be able to stand on its own. As the HCP becomes finalized, it is important to provide clarity and avoid any ambiguity, especially around adaptive management. This allows for a more successful HCP.
- The various small group meetings to discuss and address key issues and comments on the HCP have been very helpful.

- The HCP process has been thorough and thoughtful. It will be important for the SC to stay informed during the NEPA process as the agencies will likely need to answer questions.
- The public and stakeholder engagement as well as the engagement at the ST and SC level was effective. This made for an inclusive process that incorporated many different voices and perspectives.
- A member noted that it has been a transparent and efficient process and expressed appreciation that ODF provided the resources to do this work right and bring on the necessary consultants.
- It will be helpful to understand how the SC and ST roles will shift as the HCP moves into the next phase and clarify how the agencies can support the HCP.
- ODF thanked the agencies for their strong leadership, for prioritizing the development of the HCP, and for their continued support of ODF in this effort.
- The HCP will likely be completed in total of five years. This is half the time of previous ODF HCP processes. This has been an efficient process and largely due to excellent project management.

STEERING COMMITTEE DIRECTION TO SCOPING TEAM

Sylvia reviewed upcoming ST meetings. SC members extended thanks to the ST for all their efforts to develop the HCP.

NEXT STEPS AND SUMMARY

The next SC meeting will be held on April 27, 2021. Moving forward, there will likely be bi-monthly SC meetings as the HCP moves into NEPA and ODF begins to develop the Forest Management Plan (FMP). The BOF will receive the HCP, FMP, and Implementation Plan (IP) in February 2023 and will make a decision at this time. ODF will also be analyzing potential outcomes of the HCP.

There will be internal work between policy and technical staff during the development of the FMP to ensure alignment. ODF will continue to work with stakeholders and counties in a similar way as the HCP development but will shift focus to the FMP. This will include meetings open to the public, stakeholder focused group meetings, and workshops.

ODF is considering the role of the SC and connected state agencies to determine the best way to collaborate moving forward. There is interest to offer a forum to discuss various forestry issues and efforts collectively.

ODF is interested in receiving input in how the SC would like to be involved moving forward. One idea is to schedule quarterly ST and SC meetings throughout the NEPA and FMP processes to provide updates and discuss any key issues.

Members discussed the role of the SC and ST during the next phase of work and provided the following questions and comments:

- A member noted it make sense to keep the SC engaged throughout the process and to meet occasionally.
- It was clarified that the agencies would not have a large role in responding to public comments and alternatives analyses. There are defined roles in the NEPA process and NOAA Fisheries will address these elements. Depending on the comments received, NOAA Fisheries may draw on expertise within the SC to develop responses.

Liz provided closing remarks and thanked members for their engagement in the HCP process. She reflected on the meaningful relationships developed throughout the process and the hope for this to continue throughout the permit term.

ACTION ITEMS

The following action items were identified during the meeting:

- Project team: Update the HCP key elements document to incorporate the SC and ST's proposed edits and will distribute a revised version.
- ODF: Consider how to engage the SC and ST as the HCP moves into the NEPA process and as ODF develops the FMP.