

# MEETING SUMMARY

## WESTERN OREGON STATE FORESTS HCP SCOPING TEAM

Tuesday, July 18, 2022, 9:00 am – 11:00 am

By Webinar/Video Conference

### ATTENDEES

**Participants:** Kate Wells (NOAA Fisheries), Jeff Young (NOAA Fisheries), Rod Krahmer (ODFW), Josh Seeds (DEQ), Joe Zisa (USFWS), Sarah Dyrdaahl (ODF), Ryan Singleton (DSL), Nick Palazzotto (ODF), Vanessa Petro (ODF)

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

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

### 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) Habitat Conservation Plan (HCP) Process and Update, 4) HCP Public Comments, 5) HCP Components and Chapters, 6) Report Out to HCP Steering Committee (SC), and 7) 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:

- **ODF:** 1) Vanessa Petro was hired as the new State Forests Staff Wildlife Biologist and will be joining the ST. 2) The hiring window for the Deputy Division Chief for Policy has closed. Interviews are scheduled to start the end of July. ODF anticipates the new hire will start mid- to late-August.
- **NOAA Fisheries:** No updates.
- **ODFW:** No updates.
- **DEQ:** No updates.
- **USFWS:** No updates.

### HCP PROCESS AND UPDATE

Kate Wells, NOAA Fisheries, shared that the National Environmental Policy Act (NEPA) Team is processing comments on the Draft Environmental Impact Statement (DEIS) following the public comment period for the Public Draft HCP and DEIS.

Melissa Klungle, ICF, shared that the HCP team is processing comments on the Public Draft HCP and any changes to the HCP with potential effects to the NEPA analysis need to be finalized by August 2. After August 2, ODF will work on finalizing additional topics that will not impact the NEPA analysis, including the monitoring program. Cindy Kolomechuk, ODF, noted that ODF will send documents to the ST before or on August 2 for review and alignment. Cindy also shared that ODF is reviewing projected roads and recreation data to ensure it is as accurate as possible. ODF may schedule an additional ST meeting the end of August to address any remaining topics. Cindy noted that the Final HCP will be released with the Final EIS.

## **HCP PUBLIC COMMENTS**

Cindy Kolomechuk provided an update on comments received during the NEPA public comment period. Overall, comments received are not anticipated to require substantive changes to the HCP. Comments fell into the following categories:

- General clarifications
- Questions about how the covered species were selected
- Questions about the permit term duration
- Conservation action clarifications
- Riparian Conservation Area clarifications
- Additional details for roads, barred owl management, and the monitoring program

Cindy shared that ODF will respond to most comments by referencing literature and text within the HCP that provides additional information. ODF is currently working on providing more details for roads, barred owl management, and the monitoring program.

Cindy shared next steps, including sending comment responses to ICF to organize and distribute. ODF will provide a summary of public comments to the Board of Forestry (BOF) on September 7. ODF will also provide an opportunity for the BOF to ask questions as ODF moves forward into the Final EIS. Cindy stressed that ODF believes the HCP is the best path forward for complying with the Endangered Species Act (ESA) over the 70-year permit term and maintaining a timber management program.

## **HCP COMPONENTS AND CHAPTERS – DISCUSSION AND ALIGNMENT**

### **Sale Transition Planning**

Melissa Klungle reminded the ST that language will be included in the HCP to explain that Annual Operations Plans (AOPs) developed prior to fiscal year (FY) 2024 will be implemented under the prior Forest Management Plan (FMP) instead of the HCP. AOPs after FY 2024 will be fully compliant with the HCP.

## Discussion

Sylvia Ciborowski shared that sale transition planning language was sent to the ST for review after the last ST meeting. Sylvia asked if the group was comfortable with the language moving forward. *The group was in alignment and comfortable moving forward with sale transition planning language.*

The group shared the following questions and comments:

**Question:** Question about types of sales that will move forward.

- **Nick Palazzotto:** ODF identified sales that will take place Habitat Conservation Areas (HCAs) and has worked to limit any impacts.

**Comment:** Suggest continuing to monitor any sales that may spur controversy.

- **Sarah Dyrdahl:** ODF has conducted outreach to have one-on-one conversations with stakeholders regarding concerns related to aquatics for the 2023 AOPs.

## Adaptive Management

Melissa Klungle shared that ODF received comments from DEQ and NOAA Fisheries on proposed language around federal services engagement in adaptive management. Comments included a request to provide additional details about monitoring. ODF will continue to work on the monitoring plan and discuss details with the ST after August 2. Melissa noted the importance of gaining alignment and moving forward with adaptive management language.

## Discussion

Sylvia Ciborowski reminded the group that adaptive management was discussed during the last ST meeting and language was sent out for review. Sylvia asked if the group was comfortable with the language moving forward. *The group determined that a small group meeting was needed with NOAA Fisheries and USFWS to discuss adaptive management further and reach agreement on an approach moving forward.*

The group provided the following questions and comments:

**NOAA Fisheries:** Language is moving in the right direction, but additional conversation is needed to ensure alignment with the Section 7 Consultation Process including:

- Providing certainty that conservation strategies will be carried out according to the HCP.
- Providing details about what magnitude, frequency, and duration of effects to species would result in the use of adaptive management.

ODF shared that the commitments within the HCP determine when adaptive management would be used. The commitments provide certainty and are ODF's best effort to achieve biological goals and objectives. The adaptive management approach was designed to be

flexible to allow ODF to modify behavior as needed to meet criteria in the HCP. Check-ins with the Services are built into the adaptive management approach at annual, five, and ten-year intervals.

**USFWS:** With adaptive management plans, USFWS is typically concerned about the following issues:

- The adaptive management strategy should not be a tool to avoid coming to early decision on issues that are tough to reach agreement on
- Triggers that weaken or cast doubt on commitments in the HCP should not be included in the adaptive management strategy
- The adaptive management strategy should not close the door on revisiting issues for which there is a legitimate or significant amount of logical or scientific uncertainty

USFWS shared that ODF's adaptive management strategy avoids these pitfalls and clearly outlines ODF's commitments. It may be helpful to note in the HCP which specific areas or actions are subject to observation and reassessment over time through small adaptive management triggers. For example, Conservation Action 7.

#### GIS Join Error and Habitat Suitability Index (HSI)

Nick Palazzotto, ODF, shared that ODF investigated a join error to ensure that data used to set the habitat commitments is accurate. After review, ODF determined that the join error does not impact outcomes. The harvest model produced a spatial dataset and tabular dataset that can be used to set habitat commitments. The tabular data that ODF used in the HCP is correct and reflects true model outcomes.

Nick also shared that ODF discovered the modeled permit term ended in 2088 instead of 2093. An additional five years of growth were added to reflect the full permit term.

Nick noted that ODF will share an HSI memo for ST review and is available for any questions.

#### Barred Owl Management

Nick Palazzotto shared that ODF's approach to barred owl management has evolved since starting the HCP due to emerging information about removal. Barred owl removal will likely be ODF's primary strategy for management. Text in the HCP will be clarified to state that ODF is committed to a minimum of \$250,000 per year for barred owl management through the permit term and will check in after 20 years. ODF will regularly look at the efficacy of the approach through the adaptive management process and will adjust as needed. ODF will share proposed language for barred owl management before or during the next ST meeting.

### **Discussion**

**Question:** Where is the barred owl management commitment in the HCP?

- **Nick Palazzotto:** Conservation Action 9 includes strategic actions for the species and is a standalone conservation action that speaks more broadly to reintroduction.

## Recreation Commitments

Sarah Dyrdaahl, ODF, noted that ODF has been working with recreation staff to revisit what recreation will look like over the permit term. ODF is close to finalizing revised trail mile estimates for use in the HCP and will share further updates during the next ST meeting.

### **Discussion**

**Question:** Will the trash management discussion with murrelets be included in the recreation commitments?

- **Melissa Klungle:** ODFW recommended cleaning up language for trash management. Language was updated for any ODF managed trash site and can be shared with the group. ODF will review the language and determine if it should be moved to the recreation section.

## Additional Management in HCAs

Melissa Klungle reminded the group that language for Conservation Action 7 was shared with the ST earlier in July and discussed at a conceptual level during the last ST meeting. Language includes identifying opportunities to treat additional acres of conifer stands, hardwoods, and Swiss needle cast contingent on agency approval. Any management would occur in alignment with HCA restrictions.

### **Discussion**

Sylvia asked if the group was comfortable with the language moving forward. The ST was comfortable moving forward and provided the following comments:

**Comment:** Recommend more clarity on the type of situations under which ODF would consider moving ahead with additional management.

**Question:** Would this occur after pace and scale objectives are met?

- **ODF:** Yes, that is correct.

**Comment:** Recommend using “may” instead of “likely” and clarifying the review process to include “concurrence” with USFWS.

**Comment:** Question about ODFW’s role in the review process, and request to include ODFW review as part of the language.

## Roads Language

Sarah Dyrdaahl shared that ODF is working on clarifying roads language and data in the HCP following DEIS comments and analysis. Roads staff and the State Forests engineer are looking at harvest projections over the permit term and adding specificity for the development of roads. As the network is built out with proposed HCP actions, there will likely be an increase in road mileage followed by a sharp decline over the permit term. This follows EIS analysis and bolsters

numbers where ODF recognized limitations to the assumptions within the data set. Language will be sent out in advance of the next ST meeting.

### Fish Passage Design Review Process

Sarah Dyrdaahl checked in with NOAA Fisheries to confirm that the agency is comfortable moving forward with ODF's proposed approach to the fish passage design review process. ODF will follow the Anadromous Salmonid Passage Facility Design for NMFS and ODFW's State Fish Passage Law. If there is a case in which ODF cannot meet the requirements, ODF coordinate with federal and state partners to develop the most appropriate fish passage project for the site.

*NOAA Fisheries confirmed that they are in alignment.*

### **REPORT OUT TO SC**

Sylvia Ciborowski asked if the ST had any requests or guidance to share with the SC during the 7/19 SC meeting. The ST did not provide requests or guidance.

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

Sylvia Ciborowski shared appreciation for the ST's engagement in the HCP process and review of proposed language. Sylvia shared upcoming meeting dates before closing the meeting:

- Tuesday, July 19 9-11am – *HCP Steering Committee Mtg*
- Tuesday, August 2 9-11am – *HCP Scoping Team Mtg*
- Tuesday, September 6 9-11am – *HCP Scoping Team Mtg*

Cindy Kolomechuk thanked the group for their participation, quick reviews, and availability for additional meetings.