

MEETING SUMMARY

WESTERN OREGON STATE FORESTS HCP STEERING COMMITTEE MEETING

Tuesday, January 24, 2023, 12:00 pm – 2:00 pm

By Webinar and Teleconference Only

PARTICIPANTS

Steering Committee: Mike Wilson (ODF), Joe Zisa (USFWS), Kim Kratz (NOAA Fisheries), Kate Wells (NOAA Fisheries), Kevin Blakely (ODFW), Bill Ryan (DSL), Leah Feldon (DEQ), Dan Edge (OSU), Ron Zilli (ODF)

Technical Consultants: Melissa Klungle, Jordan Mayor, David Zippin (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 Updates, 3) National Environmental Policy Act (NEPA) Process Update, 4) Habitat Conservation Plan (HCP) Timeline Update, 5) Biological Opinions (BiOp) Process Update, 6) HCP Scoping Team (ST) Update, 7) HCP Implementation, 8) Steering Committee (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:** 1) Mike Wilson shared that the BOF discussed the HCP at their November 2022 meeting. No motion for changes to the HCP were brought forward during the meeting. ODF continues to keep the BOF apprised on timeline and business risks to the HCP process. The BOF's meeting schedule was updated to include four required meetings in January, March, June, and September and two retreats in April and October. ODF anticipates that the HCP will be on the agenda at the September 7 BOF meeting. 2) The Forestry Program for Oregon includes the BOF's policy statement for the management of state and other forests. The BOF plans to work on this throughout 2023. 3) ODF is working on two-year Implementation Plans (IPs) to allow operations to continue in fiscal year (FY) 2024 and 2025. Additional IPs will be developed after the Forest Management Plan (FMP) is implemented. ODF is holding a Meeting Open to the Public on February 2 and accepting public comment on the IPs. It is anticipated that the plans would be approved by the State Forester in April. 4) Ron Zilli is serving as the Deputy Division

Chief for State Forests. 5) ODF entered into the fourth agreement with ODFW to receive FWS funds for the HCP.

- **Question:** Are the BOF retreats considered public meetings or are they executive sessions?
 - **Mike Wilson:** The BOF retreats are open to the public but there is no public comment.
- **NOAA Fisheries:** No updates.
- **DSL:** The Elliott State Research Forest HCP process is on schedule. The public comment period for the NEPA process closed in early January and land for the research forest was decoupled from the Common School Lands. The Land Board selected the provisional members of the Elliot State Research Forest Authority, and this agency will be stood up January 2024. Legislation will be in place by July 1, 2023, and permits will be issued soon after this.
- **ODFW:** 1) Kevin Blakely will attend SC meetings while Bernadette is on leave. 2) 10 agencies were designated as playing a role in conservation of the marbled murrelet and were required to submit Endangered Species Management Plans to ODFW by mid-January 2023. ODFW is currently reviewing plans and will prepare the Commission to go through an approval process at their April meeting. ODFW will schedule a joint meeting with ODF staff and ODFW commissioners to keep them apprised of the process and what is happening with ODF's land. 3) Many state agencies are disappointed that the Recovering America's Wildlife Act did not pass.
- **DEQ:** 1) DEQ is in the process of recruiting a new director. A decision is anticipated in late February. 2) In May there will be an informational item on DEQ's Aquatic Life Species Rulemaking. There is strong overlap with the HCP process and this work.
- **USFWS:** USFWS hired Kessina Lee as a new project leader for ecological services activities in the state of Oregon.
- **OSU:** OSU hired Seth White as the new director for the Oregon Hatchery Research Center.

Stakeholder Engagement Updates

Sylvia shared that ODF is planning on holding a meeting open to the public February 7 to share updates on the Draft FMP Management Approach and Guidelines. The meeting will also include an update on the Habitat Conservation Plan (HCP) and National Environmental Policy Act (NEPA) process. Sylvia encouraged Steering Committee members to attend the meeting to hear from the public and stakeholders.

NEPA PROCESS UPDATE

Kate Wells, NOAA Fisheries, reminded the group that the Draft Environmental Impact Statement (EIS) and HCP were published for public comment in March 2022. NOAA Fisheries received over 400 comments (available at regulations.gov) and is currently processing

responses to comments. The response process involves coordination with USFWS and ICF to ensure the agency is being as responsive as possible. ICF is also updating the Draft EIS in response to various comments, including comments from agencies. The Final EIS will contain an appendix with response to comments for the Draft EIS and the HCP. Kate shared that NOAA Fisheries does not have an updated timeline available for the Final EIS and anticipates having an update in the next few weeks.

HCP TIMELINE UPDATE

Cindy Kolomechuk, ODF, shared that ODF continues to work with the ST to make refinements to the HCP. Edits are in response to public comments and the BiOp development process. HCP implementation is anticipated to begin July 1 with ODF sales contracts. ODF is reviewing commitments to monitoring and reporting requirements and working with the Services in small group meetings to get alignment on the processes. An update on monitoring and reporting will be shared with the ST and the SC in the coming months. The Final HCP will be released to the public with the Final EIS. ODF will also provide a summary of changes on the Public Draft HCP.

BiOp PROCESS UPDATE

Mike Wilson shared that ODF is working closely with the Services to support BiOp development. Topics of discussion include roads, trails, and harvest levels. ODF is continuing to work with the Services to ensure that unintentional caps on harvest are not created through the BiOp process. Mike noted that the BOF may provide further policy guidance at future meetings that will shape the HCP.

Kate Wells shared that Jeff Young, NOAA Fisheries, is close to finalizing the BiOp. Joe Zisa, USFWS, had no update on the BiOp.

HCP ST UPDATE

Melissa Klungle, ICF, shared an update on ST topics for the HCP. Edits to the HCP have been minor and are not anticipated to alter the NEPA analysis.

Roads and Trails

ODF is continuing to have conversations with the Services about the roads language in Chapter 3. ODF determined that an average of 25.5 constructed road miles per year over the course of the permit term, included in the Public Draft HCP, is the correct value to include. ODF will add additional context that road miles are anticipated to be greater in the first 30 years of the permit and will decrease after that.

Sales Transition Language

Several updates were made to Chapter 8 for Timber Sale Contracts (Section 8.7). ODF removed language implying that sales ODF made prior to issuance of the HCP would be managed under the HCP. This is not consistent with how ODF has written their timber contracts and the language was removed for clarity. ODF also removed a sentence about the dispute resolution process in Section 8.8 in response to a comment from the USFWS Regional Office.

Permit/Land Transfer

ODF removed language in Section 8.9 to clarify that ODF does not intend to transfer its incidental take permit to other entities in any circumstances. This is a change that the ST was aligned on. Melissa clarified that language in Chapter 1 states that land sold will always be acquired through a purchase or a swap.

HCP IMPLEMENTATION

Cindy Kolomechuk shared that ODF is working with ICF to create an HCP Implementation and Training manual to ensure contracts are in compliance with the HCP and to outline any data that needs to be generated for reports. The manual will also provide further clarity and detail on how to conduct monitoring. ODF will continue to update the SC on this item.

STEERING COMMITTEE DIRECTION TO SCOPING TEAM

Sylvia Ciborowski asked the SC if they had any direction for the ST. The SC did not provide specific direction. The SC asked if there were any topics the ST was discussing that need further direction. ODF shared that the ST is primarily focused on understanding changes and reaching alignment.

APPROACH GOING FORWARD, NEXT STEPS, AND SUMMARY

Sylvia Ciborowski reviewed upcoming meetings:

- Wednesday, January 25 1-3pm – HCP Scoping Team Mtg
- Wednesday, February 22 1-3pm – HCP Scoping Team Mtg
- Tuesday, February 28 12-2pm – HCP Steering Committee Mtg

Mike Wilson shared that the ST is making good progress and asked SC members to continue to tune into any input from stakeholders and the public.