

MEETING SUMMARY

WESTERN OREGON STATE FORESTS HCP STEERING COMMITTEE AND SCOPING TEAM JOINT MEETING

Wednesday, May 29, 2019, 10:00 am – 1:00 pm

ICF Portland, 615 SW Alder St, Suite 200, Portland, OR

ATTENDEES

Steering Committee: Liz Dent (ODF), Kim Kratz (NOAA/NMFS), Leah Feldon (DEQ), Doug Cottam (ODFW), Bill Ryan (DSL), Kim Garner (for Paul Henson, USFWS), Dan Edge (OSU) – *by phone*

Scoping Team: Jim Muck (NOAA Fisheries), Ken Phippen (NOAA Fisheries), Rod Krahmer (ODFW), Julie Firman (ODFW), Gene Foster (DEQ) – *by phone*, Ryan Singleton (DSL) – *by phone*, Mark Meleason (ODF), Brian Pew (ODF), Rich Szlemp (FWS)

Attorneys: Anika Marriot (Legal Counsel for ODF, ODFW, DEQ, DSL), Rose Stanley (Legal Counsel for NOAA Fisheries), Lydia Grimm (Legal Counsel for FWS)

Technical Consultant: David Zippin and Troy Rahmig (ICF)

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

WELCOME AND INTRODUCTIONS

Liz Dent, Oregon Department of Forestry (ODF), welcomed members and thanked them for their participation. She noted that the Board of Forestry and Governor's Office have indicated that the Western Oregon State Forests HCP (HCP) process is a high priority and confirmed the importance of this process.

Members introduced themselves.

Deb Nudelman, Kearns & West (KW), thanked members for engaging in this joint meeting with legal counsel. She provided context for these meetings as a structure to help ensure a legally defensible, scientifically credible, and technically feasible HCP product.

Deb reviewed the agenda and meeting materials. The key agenda topics for today include: 1) discussion of legal context related to the Western Oregon State Forests HCP Process, 2) agency updates, and 3) stakeholder engagement update which includes review of the draft Stakeholder Engagement and Communications Plan. The meeting will end with an opportunity for the Steering Committee (SC) to identify guidance to pass along to the Scoping Team (ST), as well as identification of next steps.

Cindy Kolomechuk, ODF, reminded members of progress made since the last SC meeting. At the April SC meeting, members discussed the process for reaching agreements, and came to consensus on the covered species list, Plan Area and Permit Area, operating principles, and the HCP Mission, Vision, and Goals. She noted that the key goal for today is to talk about the legal context of the HCP and how and when attorneys will be engaged. The meeting also includes some technical updates as well as review of the Stakeholder Engagement Plan and reminder of the June 12 public meeting.

DISCUSSION OF LEGAL CONTEXT OF THE WESTERN OREGON STATE FORESTS HCP

Troy Rahmig, ICF, provided an overview presentation on the Western Oregon State Forests HCP process and elements. The presentation included:

- **Roles of HCP participants:** Including roles of Board of Forestry, ODF, Steering Committee, Scoping Team, counties, public and stakeholders.
- **HCP process timeline and Phase 2 Work Plan:** Troy presented the general schedule for committee meetings, stakeholder engagement, FTLAC meetings, Board of Forestry meetings, and technical milestones. HCP preparation occurs from now until July 2020, when a first administrative draft of the HCP is expected. The Board of Forestry is expected at that point to make an official decision on whether to move forward with the Incidental Take Permit application process and NEPA process. The NEPA process would then begin in summer 2020 and occur for approximately one year and include public scoping and public comment period. Permit issuance and approvals would then be expected in late 2021.

A more detailed Phase 2 Work Plan outlines the week-by-week work of HCP development, review periods, and expected delivery times for technical products. The Scoping Team and Steering Committee will review draft HCP chapters as they are developed, and the committees will have additional opportunities to look at chapters holistically to provide further feedback.

- **Plan Area and Permit Area:** The HCP would apply in the designated Permit Area, which covers all ODF-managed lands, including all Board of Forestry lands and some Common School Forest (CSF) lands. The HCP Plan Area is broader and includes areas where land acquisitions or land transfers might occur. The HCP could apply to lands within the Plan Area, if any of those lands become managed by ODF sometime in the future. Land acquisitions and exchanges are more likely to occur around scattered tracts in the southern portion of the Plan Area. The Permit Area includes 613,663 acres of Board of Forestry Lands and 25,826 acres of Common School Forest Lands. The Plan Area includes 84,206 acres of Exchange or Transfer Lands, which could potentially become part of the HCP over time if those lands become managed by ODF in the future.

CSF lands are currently owned by the Department of State Lands (DSL). If ownership of CSF lands within the HCP boundary were to be transferred to ODF, those lands would continue to be part of the Permit Area.

If in the future ODF were to lose ownership of lands that are in the HCP currently, those lands would no longer be part of the HCP.

The Western Oregon State Forests HCP does not apply to the Elliott State Forest, which is currently undergoing its own, separate HCP process.

- **Permit Term:** The project team is working to refine the HCP Permit Term. It is likely that the Permit Term will be somewhere between 50 and 80 years. Ecological uncertainty becomes greater over time, which limits the duration of the Permit Term. It is also important to consider predictability of covered activities over time and allow enough time for conservation activities to work.
- **Covered Activities:** Criteria considered in developing the list of covered activities includes: whether the activities are under ODF control, whether the activities may result in take of covered species, whether there is sufficient data on the activity, and other factors. Covered activities currently being considered include management of the road system, timber harvest, stand management activities, fire management activities, some recreation facilities, third party leases and easements, and conservation action implementation.
- **Covered Species:** Various criteria were used to develop a list of potential covered species, including likelihood of impact, range, listing status, and data sufficiency. The covered species list includes fifteen species: eight fish, three amphibians, two bird, and two mammal species. Several species were considered but ultimately not included, such as gray wolf, fisher, and some coastal butterfly species. Stakeholders have seen the covered species list at various occasions, and no major concerns have been raised.

Discussion

Members asked questions and engaged in discussion on the HCP overview.

- **HCP Covered Activities:** Members discussed inclusion of recreation facilities and fire management activities within the HCP.
 - Suggest reviewing how recreation facilities were covered under the Bureau of Land Management Resource Management Plan process.
 - Discussion on how to consider the differences between routine fire management and emergency fire management within the HCP. Members noted that ODF is required by law to suppress fires. Furthermore, it is difficult to predict wildfires and their future impacts. Others noted that the Changed Circumstances portion of the HCP could address emergency fire management and other disturbance events such as windstorms and ice storms; for example, the chapter could outline how to provide for mitigation if a catastrophic wildfire were to destroy mitigation lands. Fire salvage should also be considered as part of the emergency consultation procedures.

Deb invited legal counsel participants to ask questions, discuss issues, and provide their expertise around HCP development and best practices.

Discussion on the legal context of the HCP included the following topics:

- Legal counsel participants echoed the goal of developing a strong and defensible HCP and provided brief statements on their background with HCPs and environmental processes.
- Plan Area, Permit Area and Permit Term: Legal counsel provided various suggestions on how to describe these concepts in the HCP. They noted that the document should clearly describe the process for land transfers and exchanges in the HCP, the criteria used to exchange lands, and the mechanism for confirming that exchanged lands provide equivalency. Members and legal counsel also discussed how to factor in federal decisions made on adjacent federal lands. Members also discussed the link between the HCP Plan Area and Permit Area and ESA Action Area.
- Legal trends in the area of HCP development and ESA considerations.
- Process and timing for legal counsel engagement in HCP development and review of HCP products.

WESTERN OREGON HCP STAKEHOLDER ENGAGEMENT UPDATE

Sylvia Ciborowski, Kearns & West, presented the HCP Communications and Stakeholder Engagement Plan. Key points covered in the presentation include:

- Communications and engagement goals.
- Roles of participants in the HCP process, including the roles of stakeholders and the public, counties, Board of Forestry, ODF and ODF State Forests Division Chief, Steering Committee and Scoping Team.
- Overview of the stakeholder engagement process and schedule of activities, which includes:
 - Meetings open to the public to provide updates on progress and opportunity for broad discussion. These meetings are expected to be held approximately quarterly.
 - Targeted stakeholder engagement meetings and activities that allow for deeper-level follow-up discussions. A round of targeted outreach will follow each meeting open to the public for discussion on topics of interest to stakeholders.
 - Meetings of existing venues such as the Board of Forestry, Forest Trust Land Advisory Committee, ODF Stakeholder Roundtable, State Forests Advisory Committee, etc.
 - Communications and public information such as regular email updates, website updates, social media postings, and press releases.

The project team reminded the group that the next meeting open to the public will be held on June 12.

Discussion

Members briefly discussed the stakeholder engagement plan. They discussed and asked questions about the process for considering stakeholder feedback in development of the HCP, and the interplay between meetings open to the public and targeted stakeholder meetings.

REPORT OUT ON SCOPING TEAM PROGRESS

Troy noted that at their last meeting, Scoping Team members discussed the HCP Mission, Vision and Goals, Plan Area and Permit Area, covered species list, and covered species distribution maps. In the coming months, the Scoping Team will have discussions on species-by-species details on data and life history representations.

Scoping Team members will participate in Biological Goals & Objectives workshops to develop and refine biological goals and objectives for each species. These will be held on July 12, 16, and 23 and Steering Committee members are invited to attend.

NEXT STEPS AND SUMMARY

Liz thanked participants for their time and efforts and closed the meeting.

The project team will email dates for additional Steering Committee meetings shortly.

ACTION ITEMS

The following action items were identified throughout the meeting:

- KW/ICF – Invite SC to biological goals and workshops.
- KW – Schedule future SC meetings.

RECORD OF AGREEMENTS AND GUIDANCE

Updated 5/14/2019

This record tracks agreements, guidance, advice, and levels of support of key milestones and elements of the Western Oregon HCP. It includes major outcomes and guidance provided by the HCP Steering Committee, HCP Scoping Team, and Board of Forestry.

Date	Group/ Body	Action	Relevant Milestone/ HCP Chapter
November 8, 2018	Board of Forestry	Unanimously voted to move forward with Western Oregon HCP Phase 2: Strategy Development and Stakeholder Engagement	Phase 1 Completion
February 7, 2019	Steering Committee	Expressed support for the Western Oregon HCP Phase 2 Scope of Work and Work Plan	Phase 2 Beginning
February 13, 2019	Scoping Team	Provided support for the proposed covered species list	Covered Species List (Chapter 1)
February 13, 2019	Scoping Team	Agreed that the current data on the covered species is sufficient to move forward with developing an HCP, and there is not a need to collect additional data at this time. Expressed support for ICF's approach to identifying best available data for each species.	Approach to Gathering Best Available Data
April 2, 2019	Scoping Team	Provided support for the covered species list presented by ICF, including an agreement to drop Lower Columbia steelhead. They also recommend not including Southern DPS red tree vole but revisiting that species when more information is available in fall 2019.	Covered Species List (Chapter 1)
April 22, 2019	ODF and DSL	Decided to include Common School Forest (CSF) lands in the Western Oregon HCP Permit Area.	Plan Area and Permit Area (Chapter 1)
May 2, 2019	Steering Committee	Adopted Western Oregon HCP Operating Principles by consensus.	Process
May 2, 2019	Steering Committee	Adopted the Western Oregon HCP Mission, Vision, and Goals by consensus	Mission, Vision and Goals (Chapter 1)
May 2, 2019	Steering Committee	Expressed alignment with Plan Area and Permit Area (with direction to ST to review inclusion of Santiam Forest area)	Plan Area and Permit Area (Chapter 1)
May 2, 2019	Steering Committee	Provided consensus support for the proposed covered species list	Covered Species List (Chapter 1)