

# MEETING SUMMARY

## WESTERN OREGON STATE FORESTS

### HCP SCOPING TEAM

Wednesday, February 13, 2019, 10:00 am – 1:00 pm  
Oregon Department of Forestry, 2600 State St, Salem, OR

#### ATTENDEES

**Participants:** Julie Firman (ODFW) – *on phone*, Jim Muck (NOAA/NMFS), Ken Phippen (NOAA/NMFS), Nick Palazzotto (ODF), Mark Meleason (ODF), Rich Szlemp (USFWS), Brian Pew (ODF), Rod Krahmer (ODFW)

**Technical Consultant:** Troy Rahmig (ICF), Melissa Klungle (ICF)

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

#### WELCOME AND INTRODUCTIONS

Deb Nudelman (Kearns & West) welcomed members.

Meeting participants introduced themselves.

Deb reviewed the agenda, which includes 1) agency updates from Scoping Team members, 2) review of the process structure of the Western Oregon State Forests HCP, including report out of the February Steering Committee Meeting and operating principles update, 3) content review and discussion of the Phase 2 scope of work and schedule, 4) confirmation of the covered species list, 5) approach to best available data for each species, and 6) review of the HCP outline. Deb reviewed the meeting materials, which include the draft Western Oregon HCP operating principles, stakeholder interview list, Western Oregon HCP Phase 2 Work Plan, and covered species data table.

Cindy Kolomechuk (ODF) provided a recap of past Scoping Team meetings. She noted that the group has been meeting for about a year to prepare the covered species list and Business Case Analysis, ramping up to the Board of Forestry decision to move into Phase 2 of the Western Oregon HCP. The expectation now is to move into an aggressive timeline for Phase 2.

Cindy explained that the focus of today's meeting is to hear an update on Steering Committee discussion of the operating principles, workflow, and process; review the Phase 2 scope of work including expectations of timing and work products; and begin discussing the data needed to develop conservation strategies that would be adequate for the Western Oregon HCP.

## **AGENCY UPDATES**

Members provided updates relevant to the Western Oregon HCP process:

- **Updates from NOAA/NMFS:** The agency is headed into the next phase of litigation for the BLM RMP. NOAA/NMFS provided feedback to the court on the plaintiff's arguments. Additionally, there has been continuation of the Elliott HCP process including some interactions and discussions, but the management model has not yet been developed.
- **Updates from ODFW:** ODFW is continuing litigation on Humboldt marten. The court denied the plaintiff's petition to intervene, but the plaintiff has appealed that decision.
- **Updates from USFWS:** None
- **Updates from ODF:** ODF is working with USFWS to consider a Candidate Conservation Agreement with Assurances to cover the Pacific fisher on state forestlands primarily in the southern part of the state. ODF is also working on extending/amending the western lands safe harbor program, which could be relevant to the Western Oregon HCP. The tree vole study has been re-funded for this year and will feed some information to the Western Oregon HCP.

## **WESTERN OREGON HCP STAKEHOLDER ENGAGEMENT PROCESS**

Cindy explained that the facilitation team has launched the stakeholder engagement process for the Western Oregon HCP. The initial phase includes interviews with a broad range of stakeholders to understand level of support for an HCP, and concerns and benefits with an HCP. The interviews will also ask stakeholders how they want to be engaged throughout the process, to help design the engagement process in a way that will effectively and efficiently provide feedback loops between the planning team and stakeholders. Cindy directed members to the *Stakeholder Interview List* in the meeting packet, showing the one-on-one and group interviews expected for this initial outreach.

### **Discussion**

Cindy encouraged members to provide input on additional stakeholders to engage. Members provided the following ideas and suggestions:

- Suggest interviewing Bob Rees with Northwest Steelheaders. He can provide perspectives on the coastal fisheries general public area.
- Suggest interviewing Noah Greenwald.
- Members asked about county engagement. ODF staff noted that the counties are part of FTLAC and have indicated they prefer to engage by having an interview with the FTLAC Chair, Vice Chair, and a third member. Clatsop County withdrew from the FTLAC and are being interviewed separately.

- Members asked about tribal engagement, and suggested documenting attempts at tribal engagement, as well as what worked well and advice for best ways to engage tribes moving forward. ODF responded that ODF has tried to engage with tribes through the Cultural Resources and Natural Resources clusters. ODF has provided presentations at these groups to see how we can engage them, and the ODF Forester has written letters with requests. ODF has not gotten a lot of feedback but is continuing to make efforts. ODF is on the agenda with the Natural Resources Group coming up shortly to try to engage. Cindy noted that ODF can make a file of documentation showing engagement attempts with tribes. Deb suggested making a commitment to check back throughout the process with tribes.
- Members had questions about what the group interviews look like. Deb responded that the group interviews are managed as facilitated meetings and ask the same questions as individual interviews. The facilitators we ask people not to repeat their comments but add on to one another's responses. We indicate that participants can email or contact the facilitation team if they feel they were not able to provide enough comments at the meeting.
- Members asked whether a synopsis of the feedback from interviews will be developed. Deb responded that the team may develop a very high-level summary of major themes and places of divergence and convergence around topics. The team will find a way to provide high level feedback to the Steering Committee and Scoping Team.

Cindy added that a stakeholder engagement kick-off meeting is planned for March 21, 2019 in the afternoon, with exact time and location to be determined.

## **STEERING COMMITTEE REPORT OUT AND WESTERN OREGON HCP OPERATING PRINCIPLES**

Deb provided an overview of the February 7, 2019 Steering Committee. The SC reviewed the Phase 2 Statement of Work and Work Plan, and the SC said they are comfortable with the Statement of Work and Work Plan as presented. The SC reviewed the operating principles and discussed what it means to have an HCP process with a Steering Committee and Scoping Team, and the layers of technical support. The SC discussed this engagement at a structural and process level.

The facilitation team will update the operating principles based on SC feedback. Some of the key messages from the SC and the facilitation team's reflection on those messages include:

- As written, it is confusing who the operating principles are for. The facilitation team will clarify that the operating principles are meant as guidelines for the Steering Committee (as policy leads) and the Scoping Team (as technical support).
- SC members discussed the role of the federal services. They noted that the services advise ODF, but ODF and the Board of Forestry are the ultimate decision-makers.

- SC members provided input on how to set up the process for success in the future NEPA phase.
- SC members discussed options for how to handle disagreements at the technical and policy levels. The SC is interested in having open and forthright discussion at the ST level, as well as open and early communication between the ST and SC, including regular updates between the facilitated SC and ST meetings, as well as updates at the ST and SC meetings. SC members expect their ST counterparts to provide updates between the facilitated meetings and bring forth any concerns or disagreements as soon as possible.
- SC members noted that there is a desire to find alignment on outcomes of each chapter of the HCP, with ODF ultimately taking the administrative draft of the HCP through its decision-making process. SC members suggested that the “Decision-Making” section of the operating principles should indicate that ODF will run its own decision-making process through the Board of Forestry process.
- SC members suggested adding a “Schedule” section to the operating principles and making a commitment within the operating principle to stay on schedule.
- The operating principles are the first piece of direction that the Steering Committee is giving to the Scoping Team. In terms of workflow between the ST and SC, the project team may bring ST discussion themes to the SC, and then ask the SC for their reflection and guidance. The project team will then bring that feedback back to the ST.
- SC members discussed the level of risk that each agency is willing to take, particularly with the many ongoing other related processes and litigation efforts. At future meetings, SC members will discuss what it means for each agency to support the HCP; and how this affects the agency’s interaction with other processes and topics.
- The SC discussed the HCP mission and vision. They recommended aligning the Purpose and Need of NEPA with the HCP mission and vision, so that later we do not have to retrofit the Purpose and Need.
- The SC said they would like updates on what the ST is wrestling with. The SC sees their role as weighing in when the ST cannot align; they expect those issues to be elevated. They also want to provide some operational sideboards to the ST to guide your work.

## **Discussion**

Deb invited ST members to provide their reflections and questions about the operating principles and SC and ST workflow. Members made the following comments:

- A member reflected that the role of the Scoping Team is to look at science, details, species list, etc. The Steering Committee is looking at the level of risk, policy, and agency priorities. There is a clear difference between the ST and SC.

- Members expressed concern about the ST not being well-informed enough about what is discussed at the SC meetings. ST members are not always able to get debriefs from SC members after SC meetings. Deb clarified that the ST will receive written SC meeting summaries, as well as an update on SC meeting outcomes at each ST meeting. The project team will also consider some joint SC-ST meetings at key points so that members can hear directly from one another. The project team may also recommend small group meetings or caucus times, when there are challenging issues and it makes sense to include a sub-set of agencies. The project team may also ask ST members to schedule briefings with SC members to hear how it went.
- Members asked about ODF's role and interaction with the SC, ST, and Board of Forestry. ODF responded that, as the applicant, ODF is leading this effort, but is taking a collaborative approach to the development of an HCP, with the intention of developing workable solutions and achieving an HCP. The Board of Forestry ultimately has decision making authority over ODF's operations.
- Members asked how the solicitors will be involved in SC and ST meetings. ODF responded that this is an important piece and is currently under consideration. More will come on this topic.
- Members noted that the operating principles insinuate that the decision to develop an HCP has already been made, but in fact the process is to determine whether or not to do an HCP. ODF clarified that the agency is providing continual updates to the Board of Forestry on progress with Phase 2. In June (end of Phase 2), ODF will present to the Board of Forestry a first administrative draft and an updated business case analysis. At that point, the Board will decide whether to move forward with an HCP and proceed into NEPA. A member added that the Board update points will be a good opportunity to hear about red flags and concerns, so that those can be discussed at the ST level, to make sure we do not go too far down the HCP process without addressing that red flag.
- Members asked about the interaction and timelines of the HCP and FMP, noting that the FMP might influence forest management even if the Board does decide to move forward with an HCP. There was some frustration expressed about trying to move forward with both options (FMP and HCP) without knowing what the end result will be. The project team added that there are multiple processes, but the HCP is on its own track. ODF staff added that at the next ST meeting, the project team will explain the administrative processes a little better. An HCP requires a companion FMP, so ODF is required to be working on an FMP. If the Board decides not to move forward with the HCP, then the FMP is the alternative that would move forward. ODF explained that we don't know how the FMP will relate to the HCP decision until we get through a couple of steps on the FMP side; the modules from the HCP will ideally plug into what we've worked on for the FMP.

## **Ground Rules**

Deb reviewed the ground rules that we expect the ST to be led by:

- Be respectful, candid and constructive.
- Balance of speaking time.
- Test assumptions with questions: don't presume you understand. Ask "why."
- Seek solutions based on common interest. If possible, look for common ground.
- Avoid surprises: Tell each other about activities outside of the ST that impact the HCP.
- Limit side conversations.
- Phones off or silent.

## **WESTERN OREGON HCP PHASE 2 STATEMENT OF WORK AND WORK PLAN**

Troy Rahmig (ICF) presented the proposed Western Oregon HCP Phase 2 Scope of Work. The presentation included the following:

- Overall timeline of the Western Oregon HCP process, which includes three phases. Phase 2 includes HCP preparation (February 2019 to June 2020) and early NEPA planning work (January 2020 to October 2020). Phase 3 would include the NEPA process.
- HCP Overview: It is expected that ODF and ICF will create the technical content for the HCP, and then provide those drafts to the ST for their review. The process will be iterative with many opportunities for the ST to review working draft chapters.
- Phase 2 Work Plan: The work plan includes opportunity for chapter-by-chapter review. Chapters of the HCP are written along the way, with opportunity for agency review on those chapters along the way rather than a major review at the end. To develop each chapter, ICF/ODF will first talk to ST about what goes into chapters at ST meetings. ICF will then work with ODF and the ST to write draft chapters; then ODF will review the chapter and ICF will make revisions based on ODF feedback. The ST will then review the chapter and ICF will make revisions based on ST input. That would then become the first draft of the chapter.
  - Stakeholder review is expected along the way. The project team wants to hear from the ST what technical pieces they think stakeholders should review.
  - The Board and FTLAC will be kept apprised of the work in progress.
  - Biological goals and objectives workshops are tentatively planned for May/June. The workshops would include ST review of draft biological goals and objectives, and possibly conservation strategies, with real-time editing during the workshop before developing a draft chapter. The biological goals and objectives are core to the conservation strategies, so the project team hopes for deep ST engagement on the goals and objectives.

Troy presented the Phase 2 tasks and timeline:

- Coordination with the FMP Update: Phase 2 includes dedicated time to ensure internal coordination between the HCP and FMP.
- January – March 2019: Key tasks include development of Chapter 1 (Verify Key Elements of the HCP) and Chapter 2 (Existing Conditions). The project team will seek ST feedback on the covered species list, permit area, permit term, and best available data and will review the methods used to determine existing conditions.
- April – June 2019: Key task includes development of Chapter 3 (Covered Activities and Impact Mechanisms). The project team will seek ST feedback on the way covered activities are described and that there is enough detail for permit issuance.
- July – September 2019: Key tasks include development of Chapters 4 (Conservation Strategy Development), Chapter 5 (Effects Analysis), and Chapter 6 (Monitoring and Adaptive Management). For Chapter 4, the project team will seek ST input to represent the conservation strategy in the best way possible. Under Chapter 6, the monitoring program will be tied directly to the conservation strategy and goals and objective.
- October – December 2019: Key tasks include development of Chapter 7, 8 and 9. These chapters will cover cost and funding strategy, implementation, assurances, and alternatives. The Implementation framework will include roles and responsibilities of agencies and others, reporting protocols, and triggers for additional check ins.
- January – June 2020: Early NEPA planning will occur, including development of introduction, Purpose and Need, proposed action and alternatives, and draft environmental topics. The goal is to have a first administrative draft of the Western Oregon HCP by June 2020, that has been fully reviewed by ODF, the Scoping Team, Steering Committee and stakeholders.
- June 2020: Will present the first administrative draft to the Board of Forestry as an update item.

## **Discussion**

Discussion from the ST members followed the presentation. Key comments, questions, and discussion topics included:

- Members suggested updating the Work Plan timeline to clearly indicate early ST review periods during conservation strategies development. The project team clarified that the salmon colored pieces include ST discussions and input (includes technical work by ICF, ODF and Scoping Team).
- Members discussed the HCP mission and vision and Purpose and Need:

- Members asked whether ODF will develop the NEPA Purpose and Need relatively soon or wait until 2020. Troy clarified that Chapter 1 of the HCP will include the Purpose and Need of the HCP and its expected outcomes.
- A member noted that for USFWS, the federal agency will develop the Purpose and need which will be informed by what is in the HCP. The EIS will study multiple alternatives including the HCP and other options that meet the Purpose and Need.
- The project team noted that SC members suggested that the HCP vision/mission be worded in a way that is in alignment with the eventual NEPA Purpose and Need, so that as we develop the HCP, there is an overarching framework that will ultimately meet what USFWS thinks its NEPA Purpose and Need will be. ODF will look at sample NEPA Purpose and Need statements from other HCP processes and meld the language so that it will be somewhat in alignment.
- A member liked using the term “shared vision” and suggested that the vision should answer whether we are managing for forest and aquatic health, and whether there is of an expectation of timber volume per year. The member noted that a clearly defined, specific vision is preferable. The BLM process included specific harvest targets, which helped the agency think about ITS’s and helped the participants problem solve. ODF staff noted that the vision likely would not include numeric volumes; the vision needs to be expansive enough to operate in, and a set harvest target is limiting. Yet the vision should be clear enough so that the ST and SC know the direction that ODF wants to go.
- A member asked whether the HCP would define what constitutes “economic viability” within the context of NEPA. ODF staff replied that the agency does not expect financial viability to come solely from timber harvests and has not set a harvest level that is needed for ODF to be financially viable. But the process can provide information about financial viability in relative terms: we can estimate future timber harvests under continuation of current practices, as compared to an HCP. Greatest Permanent Value implicates a range of social and ecological benefits; which is very different from Common School Fund lands management that is primarily about fiduciary responsibility.
- Members noted that there are three book ends for the HCP: statutorily required GPV and the twin goals from the Board of improving financial viability and improving conservation. Presumably the HCP would have those same goals and would meet all of those. Essentially harvest levels cannot be so high they impact conservation and cannot be so low that they impact financial viability.
- Members asked what the Board of Forestry’s vision is for an HCP outcome and noted that knowing the Board’s vision can help provide a guideline to develop the best conservation strategy to meet that vision.

- A member asked what modeling would be included in the HCP Chapter 3 and noted that there must be background information that documents that the model is a reasonable working model (proof of concept that shows confidence in the model and is verifiable). The project team responded that process will include modeling on covered activities and effects analysis. There will be a description of harvest methods, level and location of harvest, and timing of harvest. Some of the modeling output may go into a technical appendix instead of into the chapter. We will run some modeling on the Business Case Analysis, but that won't necessarily go into the HCP. Other members suggested that the assumptions that go into the model should be clearly spelled out. The documentation should indicate the degree of uncertainty of the model runs, to show relative change between scenarios, in order to present justifiable data.

## **DRAFT HCP OUTLINE**

Troy reviewed the Proposed HCP outline, which includes nine chapters and many technical appendices. At the next meeting, a more detailed outline will be shared and discussed.

### **Discussion**

Troy asked for initial impressions and concerns. Key comments, questions, and discussion topics included:

- Members asked how stakeholder comments will be incorporated into the process? The project team noted that the team is still discussing what the stakeholder engagement process will look like. The team can document what the stakeholder process was and include that as an appendix. There is no requirement to document the questions and concerns that were raised by stakeholders, but the project team can do so if there is a desire to do so. During the NEPA process, there is a requirement to document comments.
- Members expressed concern about stakeholder engagement and review at each chapter. One suggested asking for stakeholder comments for Chapters 1-4, and then asking for stakeholder comments for remainder of the document. The project team clarified that ODF will not necessarily share each chapter with stakeholders for feedback. Instead, we expect to ask for targeted feedback at key points. The Work Plan is also a work in progress. We do not know yet exactly how the public will be engaged and will know more after the stakeholder interviews. An important upfront task is to match up the stakeholder engagement process with the stakeholders' bandwidth to engage. There will be engagement early, throughout, and at the end of the process; but we are trying to find the balance on how often to engage, and in what way.
- A member commented that Chapters 3, 4 and 9 could all include "proposed actions," and each of those chapters will be related to proposed actions for NEPA. Troy provided more details on the content of each of the three chapters and explained that the product should help agencies define their proposed actions.

## **CONFIRM COVERED SPECIES LIST**

Troy reminded members that the Scoping Team worked on developing the covered species list in Phase 1. Today, we are looking to confirm the covered species list, which is the same list that was included in the economic feasibility assessment in 2018. The intention is to carry this preliminary list forward into the HCP, knowing that there may be questions along the way that could potentially change the list.

### **Discussion**

Troy asked members if they recommend any changes to the covered species list before bringing it into the HCP. Key comments, questions and discussion topics included:

- Members discussed whether to include the fisher species, noting that fisher may occur near enough to Sun Pass Forest that it could be considered currently. Oregon may be doing the fisher CCAA, which means it would not need to be covered in the HCP. Others clarified that the Western Oregon HCP is not looking to cover the Sun Pass Forest and suggested that it would likely be best to have assurance through the Fisher CCAA rather than through an HCP.
- Members discussed whether bald eagle should be included in the list of covered species and suggested it does not need to be included because it is protected under another mechanism.
- Members discussed whether Pacific lamprey should be included in the list of covered species. They noted the species is essentially unknown, but studies on the species are becoming more and more prevalent and future data may suggest that the population is in need of protection. Members noted that protections needed for the Pacific lamprey are likely similar to protections needed for salmonids, so the HCP aquatic strategies may be strong enough to protect lamprey. The species is very important to tribes. If lamprey is included, then it could affect passage activities. Rich Szlemp (USFWS) noted that he has discussed this species with others and will talk to USFWS again and provide an update to the ST. Overall, members felt that Pacific lamprey should not be included due to lack of data.
- Others noted that the NEPA analysis will look at all species, not just covered species. If we find out more in the future, we can amend the permit and include more strategies to protect lamprey. However, this would also require going through the entire NEPA process again, which is not desirable.

**Outcome:** Members provided support for the proposed covered species list. They will let the Steering Committee know about the benefits and drawbacks of including Pacific lamprey.

## **APPROACH TO BEST AVAILABLE DATA FOR EACH SPECIES**

Troy directed members to the *Table 2: Best available covered species data* handout showing ODF and ICF's initial thoughts on the best available data for each of the covered species. He

noted the data source would include information that will be documented in the species accounts, and to describe distribution and habitat quality of each species.

## Discussion

Troy posed the following two questions to the ST:

- 1) Do you agree that we have enough information about each species to write the HCP now and not rely on additional data gathering?
- 2) Does the table include all of the best data, or are there suggestions for other data?

Members discussed. Key comments, questions and discussion topics included:

- Members suggested that inventory data should be included for all terrestrial species. Nick Palazzotto and Troy will work offline on this.
- Members suggested that for coho salmon and steelhead, critical habitat designation and StreamNet should be used. ODFW has updated StreamNet data so that StreamNet and ODFW's data align.
- NOAA/NMFS representatives noted that the agency is in the process of mapping critical habitat for SONC (Southern Oregon, Northern California) coho. This data doesn't replace the Federal Register but will be a GIS-based representation of critical habitat that we can look at.
- Members noted that for the eulachon species, both NMFS and ODFW have data.
- Members noted that ODFW may be able to contribute information on aquatic amphibians. Members asked what kind of data would be useful (i.e., whether a simple occurrence be useful, or whether the data needs some density for it to be useful). Troy responded that any kind of data is potentially useful, particularly any data that includes analysis or extrapolation.

## Agreements and Recommendations

The project team posed three questions to the ST, and asked for their recommendation:

**1) Sufficiency of Current Data:** All ST members agreed that the current data on the covered species is sufficient, and there is not a need to gather more data, with the following considerations:

- The data should pull in the additional, existing data that has already been collected and analyzed by ODFW.
- It will be important to understand the overlap between existing habitat conditions data and the existing lands. If there is a good overlap, then the data is sufficient. But if there is not good overlap, then we may need to gather more data. A lack of conditions data in a

particular forest for particular streams means that we cannot know about the opportunity for uplift in that particular area.

**2) Covered species list:** All ST members agreed that the proposed covered species list should move forward.

**3) Approach to identifying existing data:** Members are comfortable with the following approach to identifying existing data: Troy will circulate the *Table 2: Best available covered species data* document. ST members can provide email changes or talk by phone with Troy if they have suggested edits to the table. The project team will provide an updated table at the next ST meeting, and will have a discussion on how to map the data.

## **NEXT STEPS AND SUMMARY**

Cindy thanked members for their time and participation.

The next ST meeting is scheduled for March 5, 2019 from 10:00 am – 1:00pm at ODF in Salem. All future ST meetings will continue to be held on the first Tuesday of the month and will be extended to three hours (10:00 am – 1:00 pm).

The project team will be in touch with members to schedule the workshops on biological goals and objectives. A member suggested aquatic and terrestrial breakouts during the biological goals workshops (small group breakouts for each), as well as small group aquatic and terrestrial meetings throughout the HCP process.

Cindy reminded members that a Western Oregon HCP Public Kick-Off Meeting is scheduled for March 21, and she hopes all members can make it. The NOAA/NMFS participants indicated they are not available for the March 21 meeting.

## **ACTION ITEMS**

The following action items were identified throughout the meeting:

- ODF will develop documentation showing engagement with tribes.
- Rich Szlemp will discuss potential inclusion of Pacific lamprey with other USFW staff and provide an update to the ST.
- ICF Troy will circulate the *Table 2: Best available covered species data* document to ST members. ST members should provide email changes or talk by phone with Troy if they have suggested edits to the table. The project team will provide an updated table at the next ST meeting, and will have a discussion on how to map the data.
- Nick Palazzotto will email a map of all of the lands included in the HCP to ST members (small map and Shape files).
- The project team will be in touch with members to schedule the workshops on biological goals and objectives.