

# **MEETING SUMMARY**

## **WESTERN OREGON STATE FORESTS**

### **HCP SCOPING TEAM**

Tuesday, March 5, 2019, 10:00 am – 1:00 pm

Oregon Department of Forestry, 2600 State St, Salem, OR

#### **ATTENDEES**

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

**Technical Consultant:** Troy Rahmig (ICF)

*On the phone: Melissa Klungle, Greg Blair, Aaron Gabbe, Chris Earle (ICF)*

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

#### **WELCOME AND INTRODUCTIONS**

Cindy Kolomechuk (ODF) welcomed members. She reviewed the goals of today's meeting: to review the Western Oregon State Forests HCP annotated outline; discuss the plan area, permit area and permit term; and update and discussion on the best available data for each species. Cindy noted that the team is inviting the Oregon Department of Environmental Quality (DEQ) to designate a representative for the Scoping Team, in order to allow for more alignment with state agencies for the Western Oregon HCP. DEQ, Department of State Lands (DSL), and OSU are all represented on the Steering Committee, and DEQ is interested in having a counterpart on the Scoping Team for greater context. DSL and OSU will have a review role between meetings.

Deb Nudelman (Kearns & West) reviewed the meeting materials, including the Draft HCP Annotated Outline, updated species data table, and meeting summaries for the February Scoping Team and Steering Committee meetings. She suggested a regular meeting packet that includes the Operating Principles, Work Plan, and other materials that would be useful to pull out at meetings as need.

She asked members to, as a general rule, provide comments or edits to the draft Scoping Team meeting summaries when they receive them by email. She noted the project team is also beginning to develop a records log that will house decisions and agreements reached by members.

Deb asked members to provide comments on the February Scoping Team meeting summary within the next couple of days.

Deb reviewed the meeting ground rules, which include:

- Respectful, candid, constructive conversation
- Balance of speaking time
- Test assumptions/ask questions and why
- Resolve differences and seek common ground
- Avoid side conversation and silence cell phones

Meeting participants introduced themselves.

## **AGENCY UPDATES**

Members provided updates relevant to the Western Oregon HCP process:

- **Updates from ODF:** An HCP training was held for ODF in early March, which was helpful and signaled that the agency is committed to working at a fast pace to move the HCP process forward. Field staff were engaged, which brought them along as well. One interesting takeaway was getting clarity on the difference between Section 7 and Section 10.
- **Updates from NOAA/NMFS:** The agency is continuing to write biological opinions for forestry, including recent fire activity.
- **Updates from ODFW:** None.
- **Updates from USFWS:** None.

## **WESTERN OREGON ANNOTATED HCP OUTLINE**

Troy Rahmig (ICF) explained that the presentation today will follow up on the broader presentation at the last meeting. ICF will continue to plug in input into the draft document. The annotated outline helps provide grounding for moving the process forward and is flexible and can be modified as we learn more.

Troy presented the annotated outline chapters:

- **Chapter 1: Introduction** – Discusses the plan and permit area; provides a high-level summary of the covered species; presents the regulatory setting and relevant laws; and provides an overview of the planning process. It will catalogue all of the process pieces that were taken to get to the HCP.
- **Chapter 2: Environmental Setting** – Provides an in-depth conditions assessment, including forest types and forest assessment as it relates to the covered species.

Section 2.4 will discuss selection of and summary of the selected species. Life history accounts for each species will be included in an appendix.

- **Chapter 3: Covered Activities** – Describes the covered activities, trying to be as inclusive as possible but knowing there is some uncertainty with such a long permit term. The categories of activities are pre-populated and based on other HCPs but may change as we learn more. Plan implementation activities are included here as well. It also outlines activities *not* covered by the HCP, if it would be helpful to outline those activities.
- **Chapter 4: Conservation Strategy** – Chapter 4 will include an overview of planning efforts in the region, biological goals and objectives, and conservation, avoidance and minimization measures for covered species.
- **Chapter 5: Effects Analysis** – Will include an overall approach for the impact methodology and an independent effects analysis for each species.
- **Chapter 6: Monitoring and Adaptive Management** – Will describe the two types of monitoring: compliance and effectiveness monitoring. This chapter will describe the questions to be answered by the monitoring approach. The right level of monitoring and adaptive management will depend on the conservation strategy. There is some variability in the level of information available for each species; we will rely heavily on the adaptive management program for species for which we have little data today.
- **Chapter 7: Assurances** – This chapter will characterize changed and unforeseen circumstances (ex: forest fires), as well as the federal no surprises process and other topics.
- **Chapter 8: Implementation** – Describes how ODF will implement the HCP once it is approved. It will outline a dispute resolution process, and describe implementation roles and responsibilities, activities, and schedule. It will describe what can and cannot be modified within the plan and what triggers an amendment.
- **Chapter 9: Cost and Funding** – Will estimate the cost of the conservation strategy and program administration, as well as funding assumptions. It will note that funding may vary over time and propose how to address that. The chapter will also include some economic analysis to help with informed decision-making.
- **Chapter 10: Alternatives to Take** – It is required that HCPs include an Alternatives to Take section.
- **Appendices** – Many technical appendices will be included: a glossary, assessment of species considered for coverage, life history accounts for species, cost and funding appendix, among others.

## Discussion

Members reviewed the Annotated Outline and provided the following ideas and suggestions:

- Chapter 1: Members noted that the State ESA is duplicated and suggested specifying that “fish passage laws” mean “Oregon” fish passage laws.
- 3.3.8: Conservation Forestry – Members asked for more details about what “conservation forestry” means. ICF indicated that there is not a specific definition at this time but retained it as a heading in case there are activities being done specifically for a conservation purpose. It may be that this is not the correct heading, but it is a placeholder. It may also make more sense to move this into the plan implementation activities section.
- 3.5.2 – This should say “bard owl management” not “barred owl control.” Bard owl control and some other species should include reference to ODFW state and scientific take permits.
- Suggested including “Fire Fuel Management” as a potential header.
- Members discussed how to incorporate recreation into the HCP document:
  - Suggest adding header for “Recreation use.” Recreation use is different from public use. Campgrounds and trails are recreation use; public use is when the public uses forests in a way that agencies do not know about (non-trail hiking, mushroom foraging, etc.). There is trash control issue with that kind of use. There is also use of vehicles through sensitive forests that has major consequences. The HCP should distinguish between legal recreation and unlawful recreation.
  - Suggest an analysis of where campgrounds are located within riparian campgrounds and management of those campgrounds
  - Members discussed different approaches to dealing with unlawful recreation use (increased education, increased enforcement, etc.). The HCP should indicate the approach to handling unlawful recreation. ODF’s current strategy is more around using education to discourage activities that negatively impact habitat. Others noted that it is the responsibility of the landowner/land manager to control ongoing illegal activities. Members and ODF staff acknowledged that there is limited capacity to control unregulated activities.
  - The HCP can suggest a level of permitting needed for off-road vehicles that impact species.
  - Some noted that recreation control is usually aquatic sensitive, but there are tools available to protect terrestrial species—such as putting up a gate to limit access.
  - Troy noted that the HCP can include a suite of conservation actions around signage, gates, etc. in reaction to illegal or improper use of the forest—or proactive methods to discourage these kinds of activities. Including these strategies in the HCP means they become part of the conservation program, so

the group must decide whether or not that is a good approach. This can be discussed when the group discusses conservation strategies.

- Climate change is not explicitly mentioned. Suggest explicitly mentioning climate change in the outline. With a 50-year permit term, it is important to indicate how the conservation strategy considers climate changes.
- Chapter 4: Conservation Strategy
  - The group discussed whether the HCP should include the Conservation Strategy chapter before the Effects Analysis chapter. Members generally agreed that it makes sense to include Conservation Strategy before Effects Analysis in order to integrate the entire strategy into the effects analysis.
  - Suggest including aquatic habitat restoration measures in this chapter.
  - Members asked how the Scoping Team will be engaged in development of this chapter, noting they prefer to be involved in discussion of conservation measures *before* the Chapter is drafted. Troy indicated that the approach will be collaborative. The project team will discuss the topic with the Scoping Team, go back and draft, and then bring back chapters that are intended to be a reflection of ST ideas. Troy added that there will be workshops on biological goals and objectives work through the details. There is potential to do workshops on other topics, as well.
- Suggest making all figures and graphs readable in black and white, and following Act 508 around accessibility, if needed.
- Appendix B: Suggest listing killer whale and green sturgeon and indicating why they are not being considered for coverage.

Deb concluded the conversation by noting that throughout the work plan, it will be important to stay on track and on schedule. ST members will get in a cycle of reviewing documents before meetings, discussing them at meetings, and then have follow up review and action items. If ST members cannot attend meetings, they should consider how they will stay engaged and provide review. The facilitation team will also do “soft checks” on agreement in principle as we move forward, to make sure we are all in alignment through draft chapter development. Troy added that the team will continue to check on the Work Plan regularly, and if we need more time on something, we can make that accommodation.

## **PLAN AREA AND PERMIT AREA**

Troy explained the difference between plan area and permit area. Permit area is the area in which the covered activities are occurring, and the HCP permit would be issued on those lands. However, the land base has the potential to shift over time. A plan area is an area larger than the permit area, which creates a boundary around any of the potential changes to the land base.

Having a plan area ensures that the HCP considers impacts on all potential lands and also creates a definitive boundary for the NEPA analysis. All Western Oregon BOF lands are anticipated to be included in the permit area. The question is what land to include in the plan area. ODF and ICF is having conversation with the districts and looking at land acquisition plans to help answer the question.

## **Discussion**

Members discussed the plan and permit area and made the following comments:

- Members asked how land exchange plans and land acquisition plans would be incorporated. They noted that land swaps can trigger significant public comment. Adding and detracting of lands from HCP is a standard issue that is addressed in an HCP. A member suggested including some allowance for increasing the amount of land within the plan area. ODF staff added that the agency is in conversations with DSL to consider how to characterize Common School Fund lands in terms of the HCP.
- A member asked whether the conservation measures be addressed on a district-by-district or forest-by-forest basis. The districts are separate entities and have different current conditions and different amount of habitat and species present. Troy responded that the project team is considering the HCP area biologically, rather than by an artificial district basis. The HCP will consider the whole plan area; there may be a need to get geographically specific for some things, but we don't want to tie that to boundaries like a district boundary. We may change this approach later—but for now we don't want to hem ourselves in with artificial constructs that are not biologically-based. ODF staff added that while administrative boundaries will always be there; ODF State Forests is trying to look broader.
- Suggest considering what is needed for the NEPA document in terms of the plan area. It would be useful to develop the plan area in a way that makes it easy to transition into NEPA.

Troy noted that at the next meeting, the project team hopes to propose a more definitive permit area and plan area for Scoping Team consideration.

## **PERMIT TERM**

Troy noted that the Phase 1 Western Oregon HCP economic analysis was conducted assuming a 50-year permit term. A survey of HCPs throughout the country shows that permit terms vary. For the Western Oregon HCP, Troy asked participants to consider the potential for a longer than 50-year permit term.

## **Discussion**

Troy asked how participants would feel about a permit term closer to 70 or 75 years. As we develop the conservation strategy, if we rely on the forest to develop in a certain way over time, then the amount of time needed for the forest to develop in that way would affect the permit

term. 50 years is the current assumption, but the project team would want to be open to other options if that seems to make sense after we learn more.

Members discussed and made the following comments regarding a longer permit term:

- Certainty of modeling results get less certain over time. The accuracy of data over time might help us select an appropriate permit term.
- If there is a substantial difference between 50 and 75 years in terms of desired distribution, that might affect the permit term.
- It makes sense to link the permit term to what we are trying to accomplish—rather than picking a random number of years. There are a lot of long-term effects to consider (climate change, tree stands, etc.)
- We can predict management levels over time with reasonable certainty over the next 20 years, but not much more than that.
- Whatever permit term is agreed upon, the HCP should mention the widening uncertainty that occurs over future decades. People should understand that there is less certainty as we go further along. Mitigation and take strategies need to be equalized over time (for example, we might front load take, but then do more mitigation later on, and vice versa).
- Suggest tying the uncertainty to the monitoring program.
- The stronger the conservation strategy, the longer it will last.
- Mark: Assume we have a ten-year drought, or some disease spreading through the population. If we increase everything, then we can deal with that. There are unforeseen circumstances in the chapter.
- Suggest modeling the HCP over a longer term but keeping a permit term of 50 years.

Overall, members were open to a longer permit term, as long as the above considerations are taken into account.

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

Troy reviewed the up-to-date table of best available data for each of the covered species, including an update on terrestrial data sets, and fish data collection. He noted that the HCP process will try as much as possible to use the data in the table.

Troy provided the following updates:

- Continuing to work with AJ Kroll (Weyerhaeuser) on Oregon slender salamander data.
- The team received up-to-date data files for Columbia torrent salamander from ODFW.

- The table reflects what we think are the most up-to-date data for three salamander species. Members commented that conservation assessments (ISSP) exist for all three of the species.
- Northern spotted owl: There will be a new publication in the fall of 2019 on this species. ICF is in discussion with Ray Davis to try to get data clipped to the HCP area as soon as possible.
- Coastal marten: Katie Moriarty provided additional data on coastal marten and spotted owl. ICF will follow up with Katie if questions come up.
- Red tree vole: Mark Linnel and Damon Lesmeister have done recent work on the red tree vole and offered to consult on developing conservation strategies for the species.

### **Discussion:**

Members discussed and made the following comments and updates regarding data:

- Red tree vole: FWS noted that a species status assessment will be complete very soon and should have all known info that exists for the potentially listed entity. The document has been drafted and is under review. This could help with drafting the life history account. Members asked whether surveying will be conducted later on red tree vole; models are fine to use in the short-term, but surveys should be done in the long term to be able to assess whether the conservations strategies are sufficient for the red tree vole.
- Troy noted that the ST will need to make decisions for each species around how to use the data in the appropriate manner. The project team will work with the existing data, even if new data is coming soon. The team will then look back and what has been done and compare it to the new data and adjust if needed.
- Troy added that the team has gotten good response for terrestrial species data, but are still waiting to actually get our hands on the data. As we get the data in, will do species write-ups. At every chance, we will show that on maps to the Scoping Team. That will be an ongoing conversation over the next couple of months.
- Members agreed that the terrestrial data seems sufficient.

### **ODFW Scope of Work to Assess Stream Habitat Quality**

Mark Meleason (ODF) provided an update on a scope of work with ODFW to assess stream habitat quality in the state forests. Mark provided various handouts on the effort, including a proposed scope of work and excerpts from reports on habitat conditions.

ODFW staff believe they will be able to complete the proposed two-step fish habitat quality analysis. At the highest level, the analysis can provide a gross narrative of what the habitat quality is. In the big three districts, a more detailed reporting can be provided. Ultimately, the



analysis could help us understand whether habitat has increased over time and habitat quality trends.

**Discussion:**

Troy and the facilitation team asked the Scoping Team whether they see value in ODFW moving forward with the study and asked for suggestions for the study design. Members discussed and made the following comments:

- The study seems to cover the variables and habitat components the Scoping Team is interested in.
- This could be a useful tool to characterize the current situation of watersheds and to use in developing conservation strategies. Recognize that some species will be better represented than others in terms of data (for example, SONCC Coho data is limited, and data is lacking on the Columbia tributaries).
- Interested in considering use of NetMap for some of these areas or asking ODFW about their thoughts on using NetMap as part of the study. The tool can describe location of high-risk failure zones, topographical shade areas, temperature-sensitive areas, among others.
- Suggest compiling all studies and literatures into one list as part of the HCP process. Troy noted that ICF will build an administrative record of studies and data consulted.
- Suggest more deeply diving into data in the Tillamook area (Wilson and Trask basin). It might be worth doing detailed reporting in those two basins.
- Interest in seeing how the modeling lines up with occurrence and inventory data.
- Interested in conducting the study for IP areas.
- Would like to know how the data relates to a management action, to tie the data to what we are doing with the HCP.
- Overall, Scoping Team members are interested in moving forward with the ODFW study.

Mark noted that a next step is for ODF to meet with ODFW to discuss moving forward with the study. ODF will note that the Scoping Team is interested in considering species other than Coho, adding the IP in the assessment, and focusing on where there is the most data (i.e., Wilson, Mecanicum) for the final analysis.

Troy added that there may be more to report out at the April 5 Scoping Team meeting regarding data and draft species accounts. The project team may be in touch to talk via phone or webinar if needed before April 5.

## **MESSAGES FOR SC UPDATE**

The project team will report back on ST major topics at the March 8 SC meeting.

## **NEXT STEPS AND SUMMARY**

Deb reminded members to review the past ST meeting summary and provide edits as soon as possible. She also asked members to check in with SC members between meetings, as appropriate.

Cindy reminded members that a Western Oregon HCP Public Kick-Off Meeting is scheduled for March 21, 1:00 to 3:00 p.m. at Broadway Commons in Salem.

The next ST meeting is scheduled for April 2, 2019 from 10:00 am – 1:00pm at ODF in Salem.

## **ACTION ITEMS**

The following action items were identified throughout the meeting:

- K&W – Develop a regular meeting packet that includes the Operating Principles, Work Plan, and other materials that would be useful to pull out at meetings as need.
- Project Team – Develop records log to house decisions and agreements reached by members.
- Scoping Team – Provide comments on the February Scoping Team meeting summary.
- Ken Phippen – Look into Act 508 requirements on accessibility.
- ICF – Update Annotated HCP Outline per Scoping Team comments.
- Project team –Consider a proposed permit area and plan area for discussion at the next Scoping Team meeting.
- Mark Meleason – Work with ODFW on moving forward with the scope of work to assess stream habitat quality in the state forests.

## RECORD OF AGREEMENTS AND GUIDANCE

Updated 3/11/2019

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.

<b>Date</b>	<b>Group/ Body</b>	<b>Action</b>	<b>Relevant Milestone/ HCP Chapter</b>
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