

# MEETING SUMMARY

## WESTERN OREGON STATE FORESTS HCP STEERING COMMITTEE

Tuesday, April 30, 2019, 10:00 am – 1:00 pm

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

### ATTENDEES

Participants: Liz Dent (ODF), Paul Henson (USFWS) – *by phone*, Kim Kratz (NOAA/NMFS) – *by phone*, Leah Feldon (DEQ), Doug Cottam (ODFW) – *by phone*, Bill Ryan (DSL) – *by phone*

Technical Consultant: 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.

Members introduced themselves.

Deb Nudelman, Kearns & West (KW), reviewed the agenda and meeting materials. The key agenda topics for today include: 1) seek alignment on Western Oregon State Forests Habitat Conservation Plan (HCP) Operating Principles, 2) seek alignment on Western Oregon HCP Mission, Vision and Goals, 3) seek alignment on the Plan Area and Permit Area, and 4) review the HCP covered species list. 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 March SC meeting, members discussed the Mission, Vision, and Goals; today's meeting will include a presentation of a revised document. Members also discussed Operating Principles at the last meeting. ODF's attorney reviewed the Operating Principles and provided some feedback, and members will review updated Operating Principles today.

### AGENCY UPDATES

Members provided updates relevant to the Western Oregon HCP process:

- **Updates from DEQ:** Department of Environmental Quality (DEQ) is engaged in an advisory committee process on Total Maximum Daily Load (TMDL) allocation for mercury in the Willamette River. There is likely not a great nexus between that process and the Western Oregon HCP, but is something to keep in mind.
- **Updates from USFWS:** 1) United States Fish and Wildlife Service (USFWS) held a species status assessment and recommendations team meeting for red tree vole to evaluate whether to propose the species for listing. USFWS will report out on the outcomes of that meeting when possible. 2) USFWS is beginning its first round in proposing critical habitat for coastal marten, which may result in critical habitat rule development in the coming months.
- **Updates from NOAA Fisheries:** None.
- **Updates from ODF:** 1) The Board of Forestry met on April 24 and received an update on the HCP and Forest Management Plan (FMP). The Governor's Office provided comment and signaled the Governor's full support for the HCP and wanted to know how the Governor's Office could help move the timeline along. The Board had questions about the relationship between the HCP and FMP and why they are being updated concurrently. The Board has an interest in seeing the HCP process move quickly. The original direction from the Board was to update the FMP in order to increase financial viability and conservation in a take avoidance frame. In the spring of 2020, the Board will decide whether a revised FMP would increase financial viability and conservation. At the same time, ODF is developing a companion FMP to go along with the HCP and incidental take permit. Members noted that the process is iterative and there are efficiencies gained in working on the FMP and HCP concurrently.
  - 2) A collaboration of conservation groups brought a rule making petition to the Board of Forestry related to coastal coho. The petition asks the Board to decide within 90 days whether they will go into rule making for the species. There is a separate petition for marbled murrelet that is ongoing.
  - 3) USFWS published notice of funding opportunity for Section 6 Grants. ODF is submitting its funding request at the end of this week.

## **WESTERN OREGON HCP STAKEHOLDER ENGAGEMENT UPDATE**

Deb reminded members that a public kick-off meeting was held on March 21. Most Steering Committee members were present. The meeting included a presentation and introductions from the Steering Committee. Liz thanked members for their participation and noted that Steering Committee presence at these public meetings signals the positive message of state and federal agency support and engagement. The opportunity to stay and have one-on-one conversations was incredibly valuable.

Deb and Cindy noted that the project team is developing an overall Western Oregon HCP stakeholder engagement plan. The plan includes a series of public meetings, and the next meeting will be held on June 13. Members will receive a hold the date for that meeting soon.

Dan Brown with the EPA has attended Western Oregon HCP related meetings, including the March 21 public meeting, and is interested and wants to engage.

Deb added that members of the public have expressed interest in understanding conversations at the ST and SC level. The project team proposes making ST and SC high-level meeting summaries available for the public on the ODF website. At the June public meeting, ODF would like to announce that the meeting summaries are available on the website. SC members agreed and appreciated the transparency the meeting summaries would provide to the public and stakeholders.

## **REPORT OUT ON SCOPING TEAM PROGRESS**

Troy Rahmig, ICF, noted that at the last meeting, Scoping Team members discussed the plan area and permit area, covered species list, and best available data for each species. The ST also discussed ODFW stream assessment data work.

The Scoping Team will meet on May 7 and will discuss how to visualize data on maps.

The ST will be engaged in biological goals and objectives workshops later in the summer (likely July). Troy asked whether SC members would like to be involved in those workshops. The workshops are an opportunity to develop the goals and objectives for each species. The project team will develop draft goals and objectives in advance of the workshops, and participants will edit the statements at the meeting. KW will keep the SC informed regarding the timing of those workshops in case SC members want to be involved.

## **OPERATING PRINCIPLES AND SC PROCESS FOR REACHING AGREEMENTS**

Deb reminded members that at the last SC meeting they reviewed the Western Oregon HCP Operating Principles. The version of the Operating Principles presented today is a final draft that incorporates SC input.

Deb kicked off a discussion on decision-making among SC members and how the group approaches coming to alignment together on topics throughout the process. She noted it is vital that each agency retain its own decision-making authority. The SC provides an opportunity to strive for and optimize involvement, in collaboration with other agencies and ODF as the ultimate decider. KW suggests a consensus-based model for the SC, in order to encourage interest-based and collaborative problem solving and dialogue, within the confines of each agency's mandates and requirements. Consensus for the group is defined as "an outcome you can live with." Deb explained the process for using tent cards to signify level of agreement as part of the consensus-seeking process: at each consensus-seeking point, the facilitator will ask members to leave tent cards down if they can live with the approach, and raise their tent cards if they have concerns or cannot agree. This then provides an opportunity for members to further discuss, address concerns, and work on problem-solving to try to get to consensus.

Members discussed and made the following comments:

- It is likely that members may be comfortable making agreements on certain elements initially, but then will need to revisit those agreements later on when other elements of

the HCP are discussed. Deb agreed that there may be tentative agreements in principle along the way and encouraged members to speak up early on if they have concerns with a certain element of the HCP.

- Raising a tent card does not necessarily signify a hard “no” to the proposal; it may just mean that members need more discussion or have questions.

**Consensus Point:** Deb asked members for their adoption of the Operating Principles and SC Process for Reaching Agreements. Members adopted the Operating Principles and process for reaching agreements by consensus.

## **MISSION, VISION AND GOALS**

Liz reminded members that at the last SC meeting on March 8<sup>th</sup>, members reviewed a set of Western Oregon HCP Mission, Vision and Goals. Today, members are reviewing an updated draft of the Mission, Vision and Goals that incorporates SC input.

Liz and Cindy reviewed key changes to the document. They noted that new language was added to the goals to capture the need for landscape resiliency, fire resistance, and using forest management practices to adapt to climate change. A new goal was added to recognize the need for partnerships to help support ODF’s ability to implement the HCP.

Members reviewed the Mission, Vision, and Goals and made live track changes edits. Key comments and changes include:

- Mission and Vision: Add reference to Common School Forest Lands and Common School Fund.
- Comments on ODF’s role in promoting partnerships (as part of Goal 5) and additions to the types of partnerships that should be sought.
- Various comments to streamline language and combine redundant goals.

**Consensus Point:** Deb asked members for their agreement with the Mission, Vision, and Goals. Members adopted the Mission, Vision, and Goals by consensus.

Cindy added that the project team will share the Mission, Vision, and Goals with stakeholders and at the June 12 public meeting to seek their perspectives. The project team will share any stakeholder input with the Steering Committee.

## **PLAN AREA AND PERMIT AREA**

Troy provided an update on development of the Western Oregon HCP plan area and permit area. The permit area includes all areas within the plan area where ODF owns and manages lands in the future. The project team reached out to ODF districts to better understand potential future land acquisitions and exchanges. The HCP plan area includes areas where acquisitions and exchanges could occur in the future. There is some uncertainty about where exactly acquisitions could occur, and lines are accordingly drawn more broadly to include a larger area of land. The plan area thus encompasses potential acquisitions and exchanges and represents

an area of analysis for the HCP and National Environmental Policy Act (NEPA). Drawing the analysis area larger gives ODF greater flexibility in acquisitions and exchanges in the future without having to do an HCP amendment. The other benefit of having a larger plan area is that we can identify conservation values of a larger set of lands.

## **Discussion**

Troy asked for any concerns with the approach of having a plan area that is approximately 30% larger than the permit area. Members made the following comments:

- Comments about the potential tradeoff of the value of the habitat in lands that are exchanged or acquired. Troy noted that the HCP states that any land exchanges would occur only so long as the biological goals and objectives can continue to be implemented as described in the HCP.
- Clarifying questions about the HCP amendment process. Troy clarified that if ODF acquires land within the plan area in the future, no HCP amendment process is required as long as acquiring or exchanging land does not impact the ability to meet biological goals and objectives. When acquisitions occur, internal tracking and reporting will occur, but additional analysis will not be needed. The take allocation will not change with acquisitions; take allocation changes would require an amendment.
- Question on whether there is a downside to having a large plan area. Troy responded that the downside to a large plan is that there may be data variability for some species or parts of forestlands, resulting in more technical assumptions. However, it does not seem like data is lacking on plan area land that is not in the permit area. The other downside is that it can be more expensive and difficult to monitor and apply adaptive management approaches to a larger land area.
- Suggestion to provide clear messaging around ODF's intent in acquiring and exchanging lands for the future. The public may assume that ODF is interested in acquiring all of the lands in the plan area, and that may not be the case. ODF staff added that the agency's intent is to have a set of lands that best helps it meet the Greatest Permanent Value rule. Troy suggested updating the legend to note that the plan area includes lands within land acquisition and exchange plans.
- Question on whether the plan area should include areas that are adjacent to permit area that have ecological connectivity. Troy noted that these lands are considered in the conservation context.
- Question on whether the Scoping Team is comfortable with including the Santiam Forest. Troy responded that the Scoping Team has not expressed concern to date.
- Agreement that having a larger plan area seems to allow more flexibility.

**Consensus Point:** Deb asked the SC whether they accept the plan area and permit area map, as presented today, where a plan area that is approximately 30% larger than the permit area.

Members expressed their alignment with the plan area and permit area, so long as the Scoping Team is comfortable with including the Santiam Forest.

## **COVERED SPECIES LIST**

Troy provided a brief update on the covered species list. He reminded members that the SC had asked for ST input on several species, including Oregon silverspot butterfly, gray wolf, bull trout, and fisher. The ST was comfortable with not including those species on the covered species list. The ST also recommended removing Lower Columbia steelhead from the list, because that species only intersects with one very small parcel in the permit area. The current ST-approved list includes 15 species (8 fish and 7 wildlife). The project team is moving forward with using this list for data collection purposes.

**Consensus Point:** SC members provided consensus support for including the fifteen species going forward as the covered species list under the Western Oregon HCP.

## **STEERING COMMITTEE DIRECTION TO SCOPING TEAM**

Troy provided an update on what the ST will be working on at its next meeting. The ST will begin looking at how data is displayed on maps and will begin drafting life history accounts for all species. The ST will also review information from ODFW on stream assessments to help frame the goals and objectives for each of the fish species.

The Steering Committee is providing the following direction to the Scoping Team:

- 1) Use the Operating Principles as a set of working guidelines for the HCP process, including the method for gaining agreement in ST meetings.
- 2) Refer to the MVG when developing work products included in the HCP (biological goals and objectives, and conservation and timber mgmt. strategies.
- 3) Use the current plan/permit area during the analysis, and refine these boundaries, as needed.

## **NEXT STEPS AND SUMMARY**

### **Next Western Oregon SC Meeting**

The next SC meeting is scheduled for May 29, 2019 from 10:00 am – 1:00pm at ICF in Portland. The project team will send out a doodle poll for future meetings and will aim to schedule a regular, bi-monthly meeting schedule.

Cindy noted that there will be opportunity to engage solicitors and the Department of Justice (DOJ) in the process. She suggested inviting legal counsel to the next SC meeting and members agreed. She encouraged members to reach out if they have particular topics they would like to see covered during that meeting or specific outcomes they hope to result from the meeting.

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

## ACTION ITEMS

The following action items were identified throughout the meeting:

- KW – Send invitation to SC for June 12 public meeting.
- SC members – Provide feedback on past meeting summaries for posting to the project website.
- KW/ICF – Include SC in emails regarding biological goals and workshop scheduling.
- KW – Develop final version of Operating Principles, adopted on 4/30/19.
- ICF – Update HCP Plan Area and Permit Area map legend to show that the plan area includes lands within land acquisition and exchange plans.
- KW – Reach out to Kim Kratz to seek support for the Plan Area and Permit Area and Covered Species List.
- KW – Schedule future SC meetings.
- Project team – Invite legal counsel and ST to May 29 SC meeting.

## RECORD OF AGREEMENTS AND GUIDANCE

*Updated 5/2/2019*

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

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)
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)