

MEETING SUMMARY

WESTERN OREGON STATE FORESTS HCP STEERING COMMITTEE MEETING

Friday, December 6, 2019, 10:00 am – 12:00 pm

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

ATTENDEES

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

Technical Consultant: David Zippin, Troy Rahmig (ICF)

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

WELCOME AND INTRODUCTIONS

Deb Nudelman (Kearns & West) welcomed members and thanked them for their participation.

Members introduced themselves.

Deb reviewed the agenda and meeting materials. The key agenda topics for today include: 1) agency updates, 2) report out on Scoping Team progress, 3) stakeholder engagement update, 4) update on NEPA process, 5) review HCP phasing and project schedule, 6) present and discuss final draft of the biological goals and objectives, 7) update on conservation strategy development, 8) planning for 2020, 9) Steering Committee direction to Scoping Team, and 10) approach going forward and next steps.

Cindy Kolomechuk (ODF) reviewed progress made since the last Steering Committee (SC) meeting. Since the August SC meeting, ODF has received public feedback on the Mission, Vision, Goals as well as the conceptual biological goals and objectives (BGOs). Today, SC members will review the final draft of the BGOs that incorporates Scoping Team (ST), stakeholder, and public feedback.

AGENCY UPDATES

SC members provided updates relevant to the Western Oregon HCP process:

- **ODF:**
 - ODF did not prevail on the Linn County lawsuit. The lawsuit awarded \$1.06 billion in damages to the counties. ODF plans to appeal the decision.
 - ODF has been working on the Forest Management Plan (FMP) that would be used for an incidental take permit. The agency has a meeting with the Board of Forestry (BOF) in April to present the draft FMP. The agency will then focus wholly on HCP for the remainder of 2020, until the October 2020 Board decision. The inputs into the FMP will be useful for the HCP, as well.
 - The BOF meeting in April 2020 will include an informational update on the HCP. The BOF will be asked to make a decision on whether to move forward with a NEPA process in October 2020.
- **DSL:** The State Land Board made a decision on the Elliott State Forests HCP to transition it into a research forest. The Oregon Supreme Court also made a decision regarding the sale of East Hakki Ridge.
- **DEQ:** DEQ submitted its Total Maximum Daily Load (TMDL) to the Environmental Protection Agency (EPA) for approval for the Willamette River for mercury. The agency has been working with EPA for two years on this effort, but EPA disapproved DEQ's request for approval. DEQ now has 30 days to replace the request with a different TMDL.
- **NOAA Fisheries:**
 - 1) Ken Phippen is retiring in December. The agency is in the process of filling his position. Jim Muck has been participating in the ST alongside Ken, which will provide good continuity on the technical side.
 - 2) A D.C. district ruling was made on the management plan revisions for the Bureau of Land Management (BLM) relating to western Oregon lands. The judge ruled that BLM did not have the authority to put Oregon and California Railroad Revested Lands (O&C) into reserves. There is uncertainty on western Oregon timber lands until the matter is clarified. The outcome of this legal matter may have an impact on HCP planning. It is unknown whether the district ruling will be appealed by any party.
- **USFWS:**
 - USFWS is continuing to work on the barred owl management strategy. The agency will begin drafting an approach, and the timeline for developing a strategy depends on defining the approach first. USFWS will begin to involve a broader stakeholder group as the agency moves through the process.
 - The red tree vole listing decision to determine whether listing is warranted comes out on December 16.

REPORT OUT ON SCOPING TEAM PROGRESS

Troy Rahmig (ICF) reported out that the ST has been meeting monthly and more often than monthly. The ST had a field trip in October to learn about riparian strategies. In-between regular ST meetings, there have been more focused technical discussions with some ST members.

STAKEHOLDER ENGAGEMENT UPDATE

Deb noted that several engagement meetings have occurred since the SC last met in August. In September and October, the project team met with industry stakeholders as well as conservation stakeholders to look at the MVGs and conceptual BGOs. The team also hosted a public meeting and met with the SFAC in October. Members received summaries of these meetings in their packets.

The project team will continue small group meetings with various interest types. There are meetings scheduled with conservation stakeholders, recreational interests, and the SFAC in the coming weeks. The project team will also plan to hold a meeting with industry representatives in January 2020.

A member noted that the participants at the industry meeting in October only included a couple of large timber companies and wondered if other timber companies would also be interested in engaging. ODF clarified that industry groups organized themselves and the participation for that October meeting.

UPDATE ON NEPA PROCESS

Kim Kratz announced that NOAA Fisheries has volunteered to be the lead agency for the NEPA process, with support from USFWS staff as needed. The timing for when that process will begin is pending discussion with the State.

The HCP development schedule remains unchanged as it relates to NEPA.

REVIEW HCP PHASING AND PROJECT SCHEDULE

Troy noted that an updated HCP schedule is included in the SC meeting packet. Although the project team and ST are moving forward a lot of work with the conservation strategy and effects analysis, the actual drafts of those chapters will not be available for ST review until early 2020. Because ST members are so engaged in creating the inputs into those chapters, it is not expected that the ST will have any major changes that would delay the overall schedule.

The overall schedule has not changed much overall and the end date remains the same. Troy said the intent is to have a first Administrative Draft of the HCP complete for the BOF meeting in October 2020.

Initial drafts of Chapters 1 (Introduction), 2 (Environmental Setting) and 3 (Covered Activities) are complete and completed a full ST review. Those will be revised if needed based on

development of other chapters, but it is likely that the ST will not need to revisit those chapters until the first Administrative Draft is available.

The ST will have two meetings per month during January through April 2020, and the meetings will toggle between focusing on aquatic strategies and terrestrial strategies.

In February through April, the team will consider implementation, cost, and funding topics.

PRESENT AND DISCUSS PROPOSED FINAL DRAFT OF BIOLOGICAL GOALS AND OBJECTIVES

Troy reviewed the process that the ST went through to develop the BGOs. In July, the ST held many meetings and then reviewed a draft of the BGOs in August. Next, they shared the BGOs more broadly within ODF and its field staff and held meetings with focused stakeholder groups. In October, the team presented the BGOs at a meeting open to the public and received additional feedback. The project team then provided an updated draft that incorporated input to the ST.

Overall, the public and stakeholders thought the BGOs were good. They had some changes to certain words and elements, but nothing that changed the intent or overall structure of the BGOs. Stakeholders were interested in seeing the details that will come with the conservation actions.

Troy walked through the final draft of the BGOs. He noted the following key changes and stakeholder and ST comments:

- Definitions section: Added a definition for the term “persist.” Changed some of the wording in how the other terms are defined.
- Goal 1: There were questions around what we are trying to accomplish for fish species, and how the effects would be measured. The project team made some edits accordingly. There were a lot of comments around Objective 1.3 on water quality and water quantity, specifically concerns that ODF cannot do a lot to enhance water quantity because much of this is out of agency control. In the edits, the team clarified how to measure the objective, and clarified that the objective only applies to ODF-managed lands.
- Goals 2 and 3 (salamanders): There was initial discussion about objectives 2.2 and 3.2 and question about whether the right thing is being measured for the species (i.e., is tree retention on the landscape the right parameter?). It became apparent that objective 2.2 and 3.2 are not needed, because these are more appropriate as conservation actions, and the intent of the objectives is included in the overall goal and other objectives.
- Goal 4: There were questions if Objective 4.2 is measuring the right thing. The team reframed the objective to indicate that the intent is to retain downed wood and encourage more downed wood in the future.
- Objective 6.2: Conservation groups requested to increase the quality and quantity of nesting habitat. The team made this change.

Discussion

Members discussed the BGOs and made the following comments:

- Question about if it was intentional that some objectives begin with “maintain and enhance” and others begin with “maintain or enhance.” ODF clarified that the use of “and” and “or” were intentional.
- Suggest being consistent about the ordering of terms. For example, in all objectives where both “enhance” and “maintain” are used, list the term “enhance” first and then “maintain.” All agreed to make this change.
- Goal 2.1 has a typo.
- Objective 5.3: Question about if it was intentional to refer to increasing quantity of nesting habitat but not quality. ODF replied that this is intentional.
- Members discussed if you could “maintain” something without “conserving” it, based on the definitions of those terms. The ICF and ODF team responded that “conserve” allows for conservation actions including no-touch; whereas maintain can allow for a fuller range of conservation actions and active management.
- Question about why there are some objectives that specify a number of acres to conserve, maintain and enhance, and others that do not specify the number of acres. Troy responded that the acreage can be quantified in a table for the aquatic species, so the numbers would not actually be included in the language of the BGOs.
- Clarification that this final draft of the BGOs is a consensus work product from the ST.

Troy explained that the intent now is to call the BGOs “good enough for now” and finalize the definitions for inclusion in the draft chapter. The team does not intend to circulate the BGOs for further review.

Steering Committee Consensus Point: Deb asked the SC members if they have remaining questions or concerns about the BGOs, or if they feel the BGOs are sufficient for inclusion in the draft HCP. Members had no concerns and approved the final draft of the BGOs for inclusion in the draft HCP.

UPDATE ON CONSERVATION STRATEGY DEVELOPMENT

Troy explained that the ST is working on developing the conservation strategies and will continue to do so over the coming months. The riparian strategy includes several concepts, including: riparian buffer widths, management strategies within the buffers, stream enhancement actions, road management actions, and implementation strategies. ICF has been working with ODF and ODFW to develop conceptual riparian buffer widths, and how those would be applied on the landscape. This week, the ST reviewed those conceptual riparian buffer widths and provided additional information requests and action items to continue development of the riparian buffer widths.

ODF is also working with Gordie Reeves, U.S. Forest Service, to understand the impacts of climate change on the stream network, as well as getting a better understanding on the prediction of wood delivery.

Terrestrial Strategy Development

Troy explained the terrestrial strategy development. The team has been working on habitat suitability models, and the ST has been providing feedback on them. Next, a species expert will review the models. On December 19, the ST will meet to focus on terrestrial strategy development. ICF/ODF will provide ideas on how to frame up the terrestrial strategy and priorities, and seek discussion by the ST. It will be important for the team to consider both conservation and enhancement in the terrestrial strategy. They will also program silviculture prescriptions into the timber model and then it should be possible to understand how the landscape might change over time, if ODF implements those silviculture prescriptions.

Currently, the project team is developing the terrestrial strategy and aquatic strategy on separate tracts but will bring them together into a comprehensive strategy in early 2020. All ST members are invited to participate in meetings focused on terrestrial and aquatic strategy development, in recognition of how the two strategies complement one another and are very integrated.

Discussion on Terrestrial Strategy Development

- A member asked if the HCP will include a mitigation component. Troy said mitigation will be rolled into stream enhancement needs. There will likely also be other instances where certain actions and strategies can be framed as mitigation. For example, there are some strategies that can be implemented within riparian buffers that can be considered mitigation.
- A member noted there will be modeling to understand occupancy of terrestrial species and asked how does the modeling consider occupancy of each species.
 - Troy responded that a lot is known about the occupancy of some species like marbled murrelets and owls. However, there are other species like the red tree vole and slender salamander where we know what their habitat needs are, but there is not a lot known about their occupancy. The habitat suitability models are meant to fill in the gaps and let us think less about occupancy, and more about habitat suitability. The modeling should also help predict whether we will be able to enhance habitat quality over time, which would then be measured through a monitoring program in the permit term.
- Question about if the model output will help determine where on the landscape to conserve versus maintain habitat.
 - Troy said the model output will help. He said if we learn that some lands are both highly suitable and occupied, then those lands are higher value for conservation. If we learn that those lands are also high value for timber harvest, then we would need to balance the two needs. The hope is that the HCP would demonstrate which lands should be most prioritized for conservation and enhancement because of their high conservation value.

PLANNING FOR 2020

Troy noted that the ST will be doing a lot of technical work in early 2020 to develop the conservation strategy. The intent is to talk about the technical work at a high level at the SC meetings. If there is any point at which the SC wants to do a deeper dive into the technical work, that is always an available option. He said if that was of interest to the SC to let Cindy and Deb know.

Cindy and Troy then reviewed the overall schedule for 2020, using the *Conservation Strategy Process & Timeline* handout:

- The *Conservation Strategy Process and Timeline* shows the path for developing the aquatic and terrestrial strategies with the ST and SC. ODF will also have many internal leadership meetings between the meetings shown on the schedule, to ensure that ODF leadership is aware of what is happening and can provide direction as needed.
- Suggest that SC members have regular conversations with their ST counterparts to understand where the conversation is headed, and whether there is any disagreement or concern. Troy is available to help have those conversations as needed.
- It would also be helpful to get SC input on the kinds of choices to make and strategies to use to meet goals and objectives for the species.

Discussion

- Deb encouraged members to get concerns and disagreements on the table as early as possible, in order to resolve issues early on, because it can be more difficult to try to resolve issues later in the process.
- Suggest being very clear about what different terms and proposals mean, to make sure everyone has the same understanding of what is being discussed and considered.
- A member noted the timeline uses the term “proposal” throughout and asked if the intent was to develop a single riparian proposal, or if the technical team was working on various aquatic riparian alternatives that would be part of the HCP proposal.
 - Cindy clarified that the proposal would be a series of different options that could be applied on the landscape.
- Question about when would be an appropriate time to discuss if an agency has a concern about some of those different options within the proposal.
 - Cindy explained that the ST will be looking at the options as a package, and the ICF/ODF team will ask for concern about all elements of the proposal at every meeting.
- A member noted there are disagreements on science and disagreement on policy, so there is potential for disagreement at both of those levels throughout. Suggest flagging for the SC when they should expect to have conversations on the policy implications of the different options within the proposal.

- Question about what level of specificity the HCP will have regarding what happens on a specific parcel.
 - Troy said it will be a programmatic document, not on a parcel level. However, there will be some specific prescriptions that are location-based strategies, but at more of a regional level rather than parcel level. There will also be a series of other conservation actions that would be used to manage habitat in certain places.
- Question about if ODF ends up getting an HCP, if ODF then will have to issue a proposed plan for each harvest that shows the alignment with the HCP. If so, how ODF would make that parcel-level specificity.
 - Troy said the implementation chapter of the HCP would describe that process. ODF would also need to do annual reporting to the services in terms of how well it is meeting the goals of the HCP.

STEERING COMMITTEE DIRECTION TO SCOPING TEAM

SC members said they appreciated the collaborative effort and wanted to convey that the ST should feel empowered to continue their good work. They noted that it appears there is a lot of transparency and collaboration between the agencies and that it's important to keep up.

NEXT STEPS AND SUMMARY

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

The project team will hold another meeting open to the public in the Spring of 2020. Liz said she appreciated that there has been great representation of the agencies at the HCP meetings that are open to the public. She hoped ST and SC members continue to attend future meetings and invited feedback if people have ideas for how to encourage greater participation at the meetings open to the public. Her hope was to get more Oregonians to the table.

The next Steering Committee meeting will be held on January 23, 2020 from 1:00 pm to 4:00 pm.

ACTION ITEMS

The following action items were identified throughout the meeting:

- KW – Send out information to SC regarding January SC meeting
- KW – Send out meeting invitation to SC for October 2020 BOF meeting
- DEQ – Invite DEQ Commission Wade Moseby to October 2020 BOF meeting
- Project Team – Consider adding more industry representatives to the next industry meeting

- IDF – Revise BGOs to maintain consistent ordering of terms and correct typo in Goal 2.1
- KW – Ask Doug Cottom for ODFW approval on BGOs

RECORD OF AGREEMENTS AND GUIDANCE

Updated 12/6/2019

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)
August 29, 2019	Steering Committee	Concurred with the Western Oregon HCP Mission, Vision, and Goals by consensus	Mission, Vision and Goals (Chapter 1)
December 3, 2019	Scoping Team	Concurred with the draft of the BGOs for submission to the Steering Committee as a Scoping Team consensus work product	Biological Goals and Objectives
December 6, 2019	Steering Committee	Approved the final draft of the BGOs for inclusion in the draft HCP	Biological Goals and Objectives

