

MEETING SUMMARY

WESTERN OREGON STATE FORESTS HCP STEERING COMMITTEE MEETING

Thursday, May 28, 2020, 1:00 pm – 4:00 pm

By Webinar and Teleconference Only

ATTENDEES

Steering Committee: Liz Dent (ODF), Kim Kratz (NOAA Fisheries/NMFS), Tere O'Rourke (NOAA Fisheries/NMFS), Kim Garner (USFWS), Leah Feldon (DEQ), Bill Ryan (DSL), Doug Cottam (ODFW), Dan Edge (OSU)

Technical Consultant: David Zippin (ICF), Troy Rahmig (ICF), Melissa Klungle (ICF)

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

WELCOME AND INTRODUCTIONS

Sylvia Ciborowski, Kearns & West, reviewed webinar instructions and protocols.

Deb Nudelman, Kearns & West, welcomed members and thanked them for their participation. She reviewed the agenda and meeting materials. The key agenda topics included: 1) Agency updates, 2) Report out on stakeholder engagement, 3) Report out on Scoping Team (ST) progress, 4) Initial timber harvest model outputs, 4) Conservation strategy and key conservation actions, 5) Update on the National Environmental Policy Act (NEPA) process, 6) Upcoming Board of Forestry meetings, 7) Steering Committee (SC) direction to the ST, and 8) Approach going forward and next steps.

Liz Dent, Oregon Department of Forestry (ODF), welcomed SC members. She explained there have been changes in the Board of Forestry membership and mentioned that the current Chair is stepping down and the Governor has appointed three new Board members, who will be joining this summer. The intent is still to bring the Administrative Draft of the HCP to the Board at the October meeting.

AGENCY UPDATES

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

- **Department of State Lands (DSL):** The agency is continuing to move forward with the Elliott State Forest HCP. There has been work done currently on the governance

structure and research platform approach. The agency will still need to develop a plan for ODF lands that are adjacent to the Elliott State Forest.

- **United States Fish and Wildlife Service (USFWS):** Recently, a decision came out on fisher. The decision on coastal marten is expected for June. A decision on whether to up list northern spotted owl should come out this summer. A critical habitat revision for the northern spotted owl is currently under review and the decision is expected for December. USFWS is continuing work on barred owl management and is moving into barred owl strategy development.
- **Oregon State University (OSU):** 1) OSU is in the process of developing budget reduction plans, which may result in declining services or changes for the university. Due to the COVID-19 response, marbled murrelet surveys on the ocean were canceled for this year. 2) Dan Edge has put forth materials to be considered for appointment to ODFW's Fish and Wildlife Commission.
- **Oregon Department of Fish and Wildlife (ODFW):** There is a delay in marbled murrelet status review decision making, which has given the agency more time to work on the HCPs.
- **NOAA Fisheries:** 1) NOAA Fisheries has backfilled Ken Phippen's position. Tere O'Rourke from the U.S. Forest Service has taken the position. 2) The ninth circuit upheld NOAA Fisheries' biological opinion on BLM's forest plan revisions for western Oregon. 3) NOAA Fisheries is continuing to work with OSU on the Elliott State Forest HCP.
- **Department of Environmental Quality (DEQ):** The agency is dealing with budget issues and it is important to note that the budget issues affect the current and next biennium. DEQ's water quality program is heavily funded by the general fund and is also funded by lottery funds. Therefore, it is likely that the water quality program including laboratory monitoring efforts, the Total Maximum Daily Load (TMDL) program, and permitting will experience severe budget reductions.
- **ODF:** ODF State Forests Division is not funded by the general fund and is instead funded largely by timber revenues, which expect reductions. It is expected that it will not be quite as hit by the budget issues that other state agency programs are experiencing.

REPORT OUT ON STAKEHOLDER ENGAGEMENT

Deb reported out on stakeholder engagement efforts. She explained a modeling meeting was held on April 8 with industry and conservation stakeholders. The meeting provided an opportunity to review and discuss timber harvest and habitat species modeling. Approximately 40 stakeholders attended. As a follow up, industry members requested a meeting with ODF staff to delve deeper into modeling and other topics, which was held on May 8.

Liz reported that industry stakeholders attended a meeting on May 8 with ODF, including Liz and Peter Daugherty. The meeting included a review of the modelling approach, the work tasks anticipated between now and October, and the iterative process with the federal services. ODF is also setting up follow up meetings with those same stakeholders to focus on how the

modelling is being used in the HCP and how the modelling will be presented at the Board of Forestry meeting.

It was noted that ODF is also offering meetings on similar topics to the conservation community. The next meeting open to the public is scheduled for July 13 from 1-4pm. Kearns & West will send out the calendar invitation to SC members.

Discussion

SC members discussed stakeholder engagement and provided the following questions and comments:

- What high level concerns or criticisms have you heard from stakeholders about the modeling?
 - Stakeholders have asked questions around how up to date the inventory is, what assumptions were made regarding inventory, harvest estimates, and ocean conditions, and whether there would be higher harvest upfront followed by less harvest in later years. Also, stakeholders were interested in understanding what constraints the model uses around streams and wetlands, and why.

REPORT OUT ON SCOPING TEAM PROGRESS

Troy Rahmig, ICF, reported out on the ST progress to date.

On the aquatic strategy, the ST has been working on the conservation actions, road system management, restoration and fish passage, temperature protection zone justification, and wood recruitment modeling. The ST will hear a presentation on wood recruitment modeling from TerrainWorks at Tuesday's ST meeting.

On the terrestrial strategy, the ST has been discussing the Habitat Conservation Area (HCA) designations, management in the HCAs, thresholds for effects from habitat loss, and monitoring. The ST has provided important input on the HCAs, and there have been several subgroup meetings with the ST to refine the HCAs. These HCAs were used in the initial timber harvest model run and the group is continuing to modify the HCA designations.

Additionally, the ST has had conversations on management actions inside HCAs and have focused on what types of silvicultural activities can occur in the HCAs, knowing that the intention is to improve habitat over time, and have focused on the pace and scale of those management activities. Initial timber harvest modeling results will help to focus that conversation even further.

Discussion

SC members discussed ST progress in developing the HCP and provided the following questions and comments:

- SC members had questions about the level of discussion that still needs to occur at the ST to resolve all the issues prior to the October Board of Forestry meeting. Members noted that the monitoring and adaptive management components of the HCP need significant discussion and there should be plenty of time allowed for these topics.

- The project team explained that there are some key elements that need to be addressed in order to present the comparative analysis at the October Board meeting, and there are other elements that do not need to be resolved in order to do that analysis. Currently, the ST is focusing on the elements that are needed for the comparative analysis and expect to be able to discuss these before October.

POLICY LEVEL TIMBER HARVEST MODELING

Troy provided an overview of the policy level timber harvest modeling. Key topics of the presentation include:

- The timber modeling will be used in lots of different ways in the HCP process. The modeling is done across the entire permit area; it is not done at the District level or some other narrower level.
- The first iteration of the timber harvest modeling was done as a calibration, and we learned that the model needed refinements to improve accuracy. Currently, we are reviewing the model outputs to understand whether the model applied rules appropriately, and whether the model is performing in the expected manner.
- Before the second iteration of the model, we will seek to address any issues identified through the first calibration run.
- At this stage, we have initial terrestrial species habitat model outputs. A grow-only scenario and a scenario using silvicultural management practices were modeled to understand whether the managed scenario results in faster habitat growth. The model also allows us to understand the relative cost of the management and where we can get the best conservation benefit.
- The Forest Management Plan (FMP) take avoidance model runs will be under way soon.
- Over the next few weeks, several model iterations will be conducted, tweaked, and reviewed.

Discussion

SC members discussed the policy level timber harvest modeling and provided the following questions and comments:

- What is the difference between the county or District level modeling and the overall modeling?
 - For the purposes of the HCP, modeling occurs across the entire Permit Area rather than at the District or county level. Some individuals and counties will want to understand what revenues can be anticipated by county; however, the HCP modeling does not provide information to that scale.
- There was mention that ODF is considering the economic tradeoffs of the conservation strategies. The ability of a model to predict the tradeoffs depends on the granularity of

the modeling. If the modeling is at the landscape scale, how do you look at those tradeoffs?

- While the model is at the landscape scale, the basic unit is at the timber stand level, and we are answering questions at the stand level. This will allow us to understand the benefits of different conservation strategies at the stand level.

CONSERVATION STRATEGY AND KEY CONSERVATION ACTIONS

Troy presented on the status of the chapters within the Administrative Draft of the HCP and which elements within those chapters are needed for the comparative analysis that the Board will be asked to review in October. He reviewed the various elements of the conservation strategy that the ST has been discussing, as well as the elements that need further discussion and those that have not yet been touched on much. Internally, ODF and ICF have been discussing implementation, cost, and funding.

Troy then shared some of the more detailed conservation actions that the ST has been working on to provide an example of the work the ST is doing. It was mentioned that if the SC is interested in this level of detail moving forward, the project team can bring this level of detail to future SC meetings. Key topics of the presentation included:

- Reviewed aquatic conservation actions including road system management and the aquatic restoration program.
- Provided updates to administering the program including:
 - The ST is in alignment with an overall approach of describing activities within the HCP as standard practices versus exceptions. Standard practices are those that occur as described in the HCP and exceptions are those activities that differ from those described as standard practices in the HCP. The ST has been working to articulate what those exceptions might be and what kind of reporting might be expected.
 - An example is the activities in the Equipment Restriction Zone (ERZ). The ST has been working to identify activities that would qualify as exceptions within the ERZ. At the end of the year, ODF would report to the federal agency on when exceptions were needed to execute a timber harvest and what the outcomes were.
- The ST has discussed the development of a conservation fund to support aquatic restoration activities, barred owl management activities, and other activities. The proposed approach is that timber contracts would individually contribute to the conservation fund, potentially through a percentage of gross sales, through instream project work, or through in-kind work conducted during the timber harvest.
- As part of the HCP development, the ST has been looking at restoration projects that ODF has been a part of over the past decades to understand the types of restoration projects that occur and where, and comparing costs across geographies and types. The ST is using the information to inform expectations about the cost of restoration projects

going forward. As a result, we can develop an annual estimate to fund restoration projects over time and then calculate what funding contributions from timber sales would be appropriate.

- The types of restoration projects anticipated include wood placement, floodplain reconnection, side channel restoration, fish passage, and road vacating/improvements. The ST will be working to develop restoration project criteria that will then be incorporated into the HCP for ODF to use to help select restoration projects during HCP implementation.

Discussion

The SC discussed the conservation strategy and actions and provided the following questions and comments:

- As we look at the overall elements of the Administrative Draft, we will have to be cognizant of having enough time for the ST and SC to coordinate and communicate with each other on the key elements.
- What is the ST and ODF review process on the HCP draft chapters?
 - The content going into the HCP draft chapters is developed collaboratively by the ST members. At ST meetings, members review various narrative pieces. Reviewing the narrative together provides an opportunity to discuss whether assumptions are correct, whether the group is in alignment, or if there is misunderstanding on certain pieces. This narrative is refined and then incorporated into draft chapters.
- What is the expected approach to reporting on the exceptions versus the standard practices? It would be important for the federal agencies to evaluate the impact of exceptions.
 - We have been working to identify the expected frequency that some of the excepted activities would occur (frequently versus rarely).
- To what extent does the funding of the conservation fund need to be part of the HCP as opposed to having a commitment to doing conservation of certain types?
 - The interest is to understand what level of restoration projects are happening on the landscape. There is also a requirement that the HCP must outline how restoration activities are funded so the description of the conservation fund is needed to fulfill this requirement.
- If mitigation occurs, mitigation actions should be intended to benefit the population that is impacted.
 - The restoration fund was being thought of as a pooling context. However, when the effects analysis is conducted, for each independent population, we will need to connect the mitigation to the net benefit for that species. At this level, it is important to understand the potential effect on the species. The project team will be sure to discuss this with the ST.

After the discussion, Deb asked the SC the following three questions:

1. Did today's meeting include the correct level of detail and pace?
2. Does the ST seem to be headed in the right direction and do you have any major, substantive concerns?
3. Would there be value in having a joint ST-SC meeting?

Overall, members responded that they appreciated the level of detail and felt the pacing was good. The SC did not express any major, substantive concerns. Lastly, members agreed that a joint ST-SC meeting would be useful. Liz and the project team noted that they will consider the idea of a joint meeting.

SC members provided the following additional comments:

- Members expressed the importance of avoiding red flags or potential concerns by being transparent and identifying issues early on as we get closer to October.
- Suggestion that the joint ST-SC meeting involve a substantive, honest conversation with the ST about their concerns or anything they want to flag for SC consideration or input. The ST should understand that the purpose of the joint meeting is to be honest and forthright so that the SC can help. It is not just a chance to present positive work to date, but to uncover the struggles as well.
 - A member proposed having the joint ST-SC meeting in July rather than August.
- Future meetings might be less about the actual details of the HCP and more about "here's what we're seeing." It is important to ODF to be able to afford to implement the plan. It will be important that the SC discuss and be in alignment on any needed refinements to the conservation actions to meet affordability piece.
 - In the permitting phase, NOAA Fisheries will need to assess whether the plan actually meets the conservation goals before issuing a permit.
- The SC's role is to address the policy issues. Is there a protocol for bringing policy issues to the SC?
 - The protocol is that the ST elevates issues they cannot resolve to the SC. These may be broader policy issues, or technical issues that need a policy level discussion in order to get to an appropriate outcome.
- Consider having more frequent SC meetings as needed to resolve any issues.

Deb wrapped up the conversation and noted that the project team will consider the timing of the joint ST-SC meeting and what we are looking to get out of the joint meeting. Additionally, the project team will consider whether to schedule additional SC meetings.

SC members were encouraged to provide any agenda topics or questions to address at future SC meetings. Additionally, SC members were encouraged to check in with ST members on the progress and development of the HCP.

UPDATE ON NEPA PROCESS

Kim Kratz, NOAA Fisheries, provided an update on the NEPA process. NOAA Fisheries selected ICF as its NEPA contractor. Jim Muck, NOAA Fisheries, is the NEPA representative for the project.

David Zippin, ICF, announced the NEPA process is ready and there is a long list of potential pre-NEPA planning tasks. The goal is to kick off those pre-NEPA tasks in June. David explained pre-NEPA tasks are different than NEPA planning, and it occurs before formal NEPA scoping begins. It was explained that the hope is that other agencies would collaboratively engage in the NEPA process, even though NOAA Fisheries is the lead NEPA agency.

It is anticipated that the NEPA process would last about one and a half years to get to the public draft stage. The public draft Environmental Impact Statement (EIS) and the public draft HCP will be released together. At that point, the two processes move forward together. Currently, the HCP document is ahead of the EIS, but the HCP document will be put on hold until the NEPA EIS document is complete, and then they will be released together. The public draft of both documents is anticipated to be published one year after the notice.

Discussion

SC members discussed the NEPA process and provided the following questions and comments:

- Suggestion to provide a NEPA schedule to SC members at the next SC meeting.
 - Suggestion to have USFWS review the schedule and provide input and feedback.
- Recommendation that the messaging to the Board should be: The Board of Forestry's decision in October will allow NOAA Fisheries to move into the NEPA process. The formal NEPA process is expected to begin in spring 2021.

UPCOMING BOF MEETINGS

Liz provided an update on the upcoming Board of Forestry meetings. The Board will hear an update on the HCP at the July 22 meeting. The intent is to provide an update similar to what is provided at the SC meeting, provide a vision for the companion FMP, and explain how the HCP and FMP work together. The model assumptions for the comparative analysis may or may not be discussed. Additionally, it is anticipated that the Forest Trust Land Advisory Committee (FTLAC) will testify at the Board meeting. ODF is working to engage the counties so they don't hear any surprises.

ODF invited Kim and Paul Henson, USFWS, to join ODF at the virtual Board table. Liz will connect with Kim and Paul offline to discuss this further. The hope is that Liz, Kim, and Paul can provide an overarching view of the HCP, and then the technical experts would review more technical details of the HCP. It would be beneficial for the Board to know that the SC is engaged; other SC members are encouraged to attend the meeting or be represented in some other way.

Liz explained the October Board meeting will be an all-day look at the HCP and chance to delve into the details and expected outcomes of the HCP.

July will include a meeting open to the public on July 13 and a Board meeting on July 22. At these meetings, ODF plans to provide an update on the conservation strategy, and to the degree that the ST is comfortable with the strategy, the intent is to show the public and the Board as much detail as possible. The goal is to have drafts of the terrestrial and conservation strategy ready to some degree for presentation to the public. The level of detail presented will depend on how much work can be accomplished between now and July.

STEERING COMMITTEE DIRECTION TO SCOPING TEAM

The project team will report out to the ST on what was discussed during today's meeting. SC members were encouraged to have ongoing conversations with ST members to stay informed and ensure alignment within the agencies.

The SC provided no specific messages to communicate to the ST.

NEXT STEPS AND SUMMARY

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

The next SC meeting will be held on June 24 from 1-4pm. Members should assume the meeting will be virtual.

ACTION ITEMS

The following action items were identified throughout the meeting:

- Kearns & West: Send out July 13 meeting open to the public calendar invitation to SC members.
- Project team: Send the draft HCP chapters to the SC.
- Project team: Consider the timing of a joint SC-ST meeting.
- Project team: Consider whether to schedule additional SC meetings.
- SC: Provide any agenda topics or questions to address at future SC meetings.
- SC: Check in with ST members on the progress and development of the HCP to stay informed and ensure alignment within the agencies.
- ICF: Provide a NEPA schedule to SC members at the next SC meeting.