

# MEETING SUMMARY

## WESTERN OREGON STATE FORESTS HCP

### STEERING COMMITTEE MEETING

Tuesday, October 26, 2021, 12:00 pm – 2:00 pm

*By Webinar and Teleconference Only*

#### PARTICIPANTS

**Steering Committee:** Paul Henson (USFWS), Kim Kratz (NOAA Fisheries), Leah Feldon (DEQ), Kevin Blakely (ODFW), Bill Ryan (DSL), Dan Edge (OSU), Mike Wilson (ODF), Liz Dent (ODF)

**Technical Consultant and Guests:** Troy Rahmig (ICF), David Zippin (ICF)

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

**Guest:** Michelle McMullin (NOAA Fisheries)

#### WELCOME AND AGENDA REVIEW

Sylvia Ciborowski, Kearns & West, reviewed the agenda which included: 1) Welcome and Agenda Review, 2) Agency Updates and Stakeholder Engagement, 3) Updates on the Forest Management Plan Process, 4) Update on Habitat Conservation Plan Revisions, 5) NEPA Process Update, 6) Steering Committee Direction to Scoping Team, 7) Review 2022 Steering Committee Meeting Schedule, and 8) Approach Going Forward, Next Steps, and Summary.

Liz Dent (ODF) expressed appreciation for the Steering Committee's commitment to meetings and noted that partnerships built over the past several years have been a critical part of the process.

#### AGENCY UPDATES AND STAKEHOLDER ENGAGEMENT

Steering Committee (SC) members provided the following updates relevant to the Western Oregon HCP process:

- **ODF:** 1) The agency is working through the Marbled Murrelet State Endangered Species Management Plan. The relationship between ODF and ODFW has been helpful for navigating this process. 2) Cindy Kolomechuk has led efforts to increase engagement with the tribes. The agency hopes this will result in meaningful work for years to come. 3) Thank you to USFWS for the grant, a lot of work goes into the HCP and NEPA processes. 4) The Administrative Draft HCP is going through final review and will be revised as the Public Draft HCP. Thank you to all the agencies for continuing to participate in the process and provide feedback. 5) The Board of Forestry (BOF) meeting on November 3 will include updates on the HCP and FMP, and a report out on metrics including revenue, fish passage, carbon storage in the forest, and carbon stored in

harvested wood products. The Forest Trust Lands Advisory Committee (FTLAC) will testify, and they have shared concerns about draft FMP goals.

- **USFWS:** 1) Kim Garner is working on the final stages of the Spotted Owl Habitat Revision. This is anticipated to be published November 15 and will have impacts on the timber industry. 2) Martha Williams, acting deputy director, was nominated for director. Martha has experience at the federal level and is familiar with HCP processes.
- **NOAA Fisheries:** 1) The agency continues to be engaged in the Oregon Private Forest Practices Accord.
- **DEQ:** 1) Provided an update on Section 401 Clean Water Act rules. 2) Josh Seeds shared that the HCP Scoping Team's work is going well and communication between the team members is strong. Josh feels engaged and that people are listening to one another and working through issues in a collaborative way. 3) Comparing and contrasting any outcomes from the Private Forest Accord at a future Steering Committee meeting may be beneficial for the HCP process.
  - **Comment:** Kim Kratz is a resource to the state and other participants for the Private Forest Accord.
  - **Comment:** Thank you for sharing Josh's impressions of the Scoping Team. The Scoping Team has been discussing impacts of HCP implementation that were revealed by ODF's operational review.
- **DSL:** The Elliott HCP is moving forward, and a draft was submitted to the services the beginning of October.
- **ODFW:** The agency is still moving forward with the Oregon Endangered Species Act up listing. Commission meetings are being held to present a list of the agencies recommended for lands that can play a role in the conservation of the marbled murrelet. There are some dueling deadlines with this project and the HCP.

***Sylvia Ciborowski shared an update on public and stakeholder engagement:***

- ODF held a meeting open to the public on October 12. The meeting was focused on the FMP and input ODF received on the draft goals. ODF has received good comments from the public and water quality has been an ongoing topic of interest.
  - **Comment:** There has been different viewpoints between different stakeholder groups, but overall ODF has received good questions and gratitude for the work being done. The public has also acknowledged that the work is important yet challenging. This is a result of ODF's commitment to public outreach over the past several years.
- The next meeting open to the public is scheduled for December 7. Joint Stakeholder Meetings are scheduled for December 9 and 13 to discuss draft FMP strategies.

## **UPDATES ON THE FOREST MANAGEMENT PLAN PROCESS**

Mike Wilson, ODF, reviewed the Forest Management Plan (FMP) timeline:



**Comment:** ODF expressed appreciation for the state agency partners that continue to be engaged in the FMP process.

**Question:** What are ODF's expectations for the BOF Meeting on November 3?

- **ODF:** ODF is expecting minimal input on the HCP until the Draft EIS and public comment is presented in 2022. ODF is hoping to receive high-level feedback on the FMP. A report on State Forest metrics, including some performance measures, will also be shared with the BOF. ODF is hoping to learn more about the types of metrics and outcomes the BOF would like to see in the FMP. This will help inform modeling for the FMP outcomes.

## **UPDATE ON HABITAT CONSERVATION PLAN REVISIONS**

Troy Rahmig, ICF, shared an update on the Habitat Conservation Plan (HCP).

### Overview of the review process and changes

ODF released the Administrative Draft HCP earlier in the year and conducted an operational review with ODF staff. The Administrative Draft was revised to reflect recommendations from ODF staff and recommendations from the HCP Scoping Team. The updated Administrative Draft was circulated back to the Scoping Team and additional comments were received from USFWS and the USFWS Regional Office. The Project Team has not received comments from other agencies. Based on the comments received, the Project Team will revise the Administrative Draft and release the Public Draft HCP in early 2022. Interim drafts have been shared with the NEPA Team to ensure alignment.

### Recreation Activities

The Project Team is continuing to discuss recreation activities with the HCP Scoping Team. As review of the Administrative Draft and NEPA analysis has unfolded, this continues to be an area of question. Additional detail is being added to better characterize existing and future recreation infrastructure, like trails in Riparian Conservation Areas (RCAs) and Habitat Conservation Areas (HCAs). Mitigating effects for trails as they relate to RCAs and HCAs has been has come up as a topic of discussion. The Project Team is also adding best management practices to conservation strategies to demonstrate minimization of effects. Many of these are exiting practices that will now show up in the Public Draft HCP.

### Habitat Conservation Area Management

Chapter 5 included specific requirements for management activities in and around highly suitable habitat. This has not changed, but the Project Team is considering ways to increase flexibility with the pace of management. The previous Administrative Draft HCP included more finite internal restrictions and a ten-year planning cycle. ODF is interested in more adequately planning for how this would occur and is discussing this with partner agencies.

### Schedule

Troy reviewed upcoming key dates for the HCP:

- November 3: BOF Meeting HCP Update

- November/December: Finalize Public Draft HCP (this will align with the release of the Draft EIS)
- December/January: Submit permit application to USFWS and NOAA Fisheries ahead of the Draft EIS and Draft HCP
- Early 2022: Release Public Draft HCP with Public Draft EIS

## Discussion

**Question:** Please explain the need to change the pace of management and address if there is a need to accelerate actions to reduce take.

- **ODF:** The Project Team is having conversations with a subset of the Scoping Team and will take this topic to the full Scoping Team at the next meeting. Annual and 5-year constraints were put in place to moderate the pace and scale of management, so it doesn't adversely impact species. Additional safeguards were added to disallow management to occur in areas that are occupied or highly suitable to ensure that management is focused on lower-quality habitat areas. With species restrictions in place, ODF is less reliant on the annual and 5-year restrictions and feels that this can be relaxed to a ten-year window. Having management flexibility is most critical for the replacement of red alder and Swiss needle cast stands. Having flexibility to package management activities within a decade and determine where the agency would conduct this management is more economical given the limited purchaser pool for hardwoods. ODF can work with purchasers to understand inventories and future trends before making decisions. This could result in an even flow across an Implementation Plan, or an uneven flow that aligns with trends. In addition, if ODF has flexibility to conduct management more efficiently, money could be saved on road maintenance.

**Question:** The Project Team received comments from the USFWS Regional Office and is working to incorporate these. Is additional review occurring at any agencies?

- **Kim Kratz:** NOAA Fisheries has submitted comments and further review by others at NOAA Fisheries is not expected. Will check with Tere O'Rourke to confirm additional review is not occurring.
- **Paul Henson:** New staff were recently hired in the Section 10 program. Will coordinate with the Regional Office to ensure consistency with HCP review. USFWS has purview of what's in the HCP as the agency working with the applicant. If the regional office has a concern they will raise it to Paul Henson or Rich Szlemp.
- **Sylvia Ciborowski:** Appreciate the alignment and acknowledgement that this is the place where the Steering Committee discusses the HCP. Coordinating with external agencies will occur as needed.

**Comment:** ODF is interested in scheduling a check-in with NOAA Fisheries and USFWS Scoping Team and Steering Committee members to discuss process moving forward. ODF is interested in ideas for considering feedback and coordinating any modifications to the proposed action after the Draft EIS is shared with the public.

## NEPA PROCESS UPDATE

Michelle McMullin, NOAA Fisheries, provided an update on the NEPA process. Michelle shared that NEPA is the federal process being used by NOAA Fisheries and USFWS to make a decision about ODF's HCP. Michelle reviewed the NEPA process which includes: a Scoping Period, the development of a Draft EIS, a Final EIS, and a Record of Decision.

### *Scoping Period*

The process began on March 8, 2021 with the Notice of Intent to conduct an EIS. A two-week extension was issued during the Scoping Period. NOAA Fisheries held a public meeting on March 31.

### *Development of a Draft EIS*

NOAA Fisheries is currently developing alternatives informed by Scoping comments, modeling, and data. The agency is coordinating with USFWS and seeking advice from ODF on what is operationally feasible. Michelle noted that none of the comments submitted were determined to be complete alternatives on their own, but the suggestions and intent behind the comments was considered. Alternatives are screened to see if they meet different criteria like the Purpose and Need. Michelle stressed that NOAA Fisheries is doing the selection of the alternatives and ODF is not part of this alternative selection. The Draft EIS is anticipated to be available for public review in early spring 2022. Scoping comments, alternatives, and analysis of important topics like economics, geology and soils, and cultural resources will be included. A public comment period for review will be held following the release of the Draft EIS. The minimum public comment is 45 days, but NOAA Fisheries is anticipating a 60-day comment period.

### *Development of a Final EIS*

The Final EIS will be developed after public comments are reviewed.

### *Record of Decision*

The decision to issue or not issue the incidental take permit will be made following the development of a Final EIS.

## Discussion

**Question:** During the public comment period, will the Draft EIS and the Public Draft HCP be available?

- **Michelle McMullin:** ODF's formal submission and application will include the draft HCP.

**Question:** During the 60-day public comment period, ODF wants to summarize public comments for the Board of Forestry. Is it typical or atypical for a governing body, like the Board of Forestry, to weigh in on preference for the final HCP during the 60-day comment period?

- **Michelle McMullin:** The applicant can always make changes to the HCP. This will impact the process and the timing, but there are options. Because they're receiving public comment, there will be some changes to the Draft EIS. During this period, NOAA Fisheries will continue to communicate with ODF.

- **Troy Rahmig:** ODF will report out to the Board of Forestry on public comment and useful information. Asking the Board for an opinion or waiting for the response to comments will be a strategic decision.

**Question:** How long is public comment review?

- **Michelle McMullin:** This will depend on how significant the changes are. There is some flexibility built into the existing process. If it's a major change that triggers a supplemental EIS, this will take more time.
- **David Zippin:** Prior to making a federal decision on the proposed action there will be a 30-day "cooling off" period. If additional comments are received during this period the lead federal agency has no obligation to respond. However, they will generally review and include, as part of the administrative record, a statement that any final comments received were considered prior to making their decision.

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

The Steering Committee did not provide direction to the Scoping Team.

## **REVIEW 2022 STEERING COMMITTEE MEETING SCHEDULE**

Sylvia shared 2022 meeting dates, which include:

- January 18, 9-11am
- March 29, 9-11am
- May 24, 9-11am
- July 19, 9-11am
- August 30, 9-11am
- September 20, 9-11am
- November 8, 9-11am

## **APPROACH GOING FORWARD, NEXT STEPS, AND SUMMARY**

Liz Dent, ODF, thanked the group for their time and participation and closed the meeting.