

# MEETING SUMMARY

## WESTERN OREGON STATE FORESTS HCP SCOPING TEAM

Tuesday, November 2, 2021, 9:00 am – 11:00 am

By Webinar/Video Conference

### ATTENDEES

**Participants:** Tere O'Rourke (NOAA Fisheries), Julie Firman (ODFW), Josh Seeds (DEQ), Ryan Singleton (DSL), Nick Palazzotto (ODF), Sarah Dyrdaahl (ODF), Rich Szlemp (USFWS), Rod Krahmer (ODFW), Jeff Young (NOAA Fisheries)

**Technical Consultants and Guests:** Troy Rahmig (ICF), Melissa Klungle (ICF), David Zippin (ICF), Derek Bangs (ODF)

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

### WELCOME AND AGENDA REVIEW

Sylvia Ciborowski, Kearns & West, welcomed Scoping Team members and reviewed the agenda, which included: 1) Welcome and Agenda Review, 2) Agency and Stakeholder Engagement Updates, 3) Report out on 10/26 HCP Steering Committee Meeting and 10/5 FMP/IP State Partners Meeting, 4) Discuss Draft HCP, 5) Updates on the NEPA Process, 6) Update on FMP, and 7) Approach Going Forward, Next Steps, and Summary.

### AGENCY AND STAKEHOLDER ENGAGEMENT UPDATES

Members provided the following updates relevant to the Western Oregon State Forests Habitat Conservation Plan (HCP) and Forest Management Plan (FMP) processes:

- **ICF:** David Zippin, ICF, introduced himself as the consultant team project director for the Western Oregon State Forests HCP. Troy Rahmig, ICF, shared that he will be leaving his position with ICF and Melissa Klungle, ICF, will be taking over as the day-to-day project manager. The group thanked Troy for his work and expressed appreciation for Melissa and David's support with the transition.
- **ODF:** 1) ODF will continue to work closely with ICF to ensure the HCP remains on track during the next phase of the process. 2) A Board of Forestry (BOF) Meeting will be held on November 3 and ODF welcomes the participation of Scoping Team members. The BOF has six of seven seats filled, with a nominee for the seventh seat. 3) Cal Mukumoto was appointed as the new State Forester. Cal has strong tribal relationships and a

background in rural economic development. 4) The State Forests division is working with the Private Forests division to understand potential changes to the Forest Practices Act as a result of the Private Forests Accord. State Forests may be impacted by this work, depending on what goes into state law. However, many of the proposed buffers in the HCP exceed proposals in the Private Forest Accord and the outlined changes will be beneficial for aquatic advancements and protections. 5) Derek Bangs, ODF, introduced himself and shared that he would be available for operational discussions during the meeting.

- **Question:** If the legislature passes revisions to the Forest Practices Act, what's the timeline for potential changes?
  - **Tere O'Rourke:** The proposed timeline for taking a package to the legislature is spring 2022. If implemented by the legislature, there will likely be a timeframe that includes contracts. The statewide HCP is a longer process and it's uncertain if there will be an interim set of laws before the statewide HCP is completed.
- **NOAA Fisheries:** 1) The biological opinion is being developed and the agency is working on a list of necessary information. 2) Many projects have been put on hold while supporting the Private Forest Accord process. The agency will regroup to move forward with additional work. 3) There is the possibility of a new hire by January.
- **ODFW:** No updates.
- **USFWS:** Reminded the group that a lot can happen after the submission of the permit application.
- **DEQ:** 1) The basic structure for implementing the Private Forests Accord is through legislation and implementation of Forest Practices Act rules. There is a sunset built in if there isn't an approved statewide HCP within six years. It's uncertain if it will only apply to private lands or if it will apply to state forests. There could also be implications for perennial non-fish streams. 2) A legislative work group from the House Water Resources Committee is looking at drinking water needs and impairment. The process will likely move forward to educate legislators on the connection between forest management and the risks to drinking water sources, and to find legislative solutions. The group will wait to see how forest practices may change on private lands and if this is enough to address drinking water risks or if further regulatory action is needed.
- **DSL:** No updates.

***Sylvia Ciborowski, Kearns & West, provided an update on recent and upcoming public and stakeholder engagement:***

- ODF held a meeting open to the public on October 12 and discussed drinking water, updates to draft FMP goals, HCP updates, and NEPA updates.

- ODF will hold a meeting open to the public on December 7 to share draft FMP strategies, an HCP update, and a NEPA update.
- ODF will hold two FMP joint stakeholder meetings to discuss draft FMP strategies with the public and stakeholders.

## **REPORT OUT ON 10/26 HCP STEERING COMMITTEE MEETING AND 10/5 FMP/IP STATE PARTNERS MEETING**

### Steering Committee Meeting Topics:

- ODF shared a high-level overview of recreation and management in HCAs.
- The group was reminded of the BOF meeting on November 3.
- The group discussed review of the HCP and expectations for comments moving forward.

### State Partners Meeting:

- State Partners reviewed draft FMP strategies and goals, and discussed process moving forward.

## **DISCUSS DRAFT HCP**

### Review by Federal Services

Troy Rahmig shared an update on the Administrative Draft HCP:

- Changes are the result of an operational review by ODF and additional review by the Scoping Team.
- The Draft was revised to provide more clarity during implementation and consistency across the document. For example, more clarity was provided on the implementation of leave tree strategies.
- The Draft was revised to better align with intended outcomes of Scoping Team discussions and document text.
- A tracked changes version of the Administrative Draft HCP was distributed in early October to the Scoping Team and the NEPA team.
- The HCP Project Team received comments back from USFWS, the USFWS Regional Office, and NOAA Fisheries. Please let the Project Team know if additional comments will be provided on the most recent Administrative Draft HCP. This will allow the Project Team to keep the most recent Draft in front of the NEPA Team for alignment.
- The HCP Project Team is currently updating the document in response to comments.
- An additional Scoping Team meeting may be necessary in October to finalize changes.

## **Discussion**

Sylvia Ciborowski asked the group if they've had a chance to submit comments or if they will be providing additional comments on the existing Administrated Draft HCP:

- **USFWS:** If there are additional changes to the HCP, additional review is requested and additional comments may be provided.
- **ODFW:** How will changes regarding management in HCAs be reflected back in the Draft and aligned with the NEPA process?
  - **Troy Rahmig:** The only changes made to the HCP are in the tracked changes version circulated in October. There are three topics currently under discussion that will potentially differ from the tracked changes version: 1) updates to add additional information on recreation activities, 2) discussion about reframing management in HCAs, and 3) response to comments received from the Regional Office and USFWS. Any changes made will be reflected in an updated version that will be sent to the NEPA team and the Scoping Team. The Project Team is trying to avoid having a public draft HCP that looks very different from what's analyzed in the NEPA document.
- **Question:** Can you explain why some changes are going forward?
  - **Cindy Kolomechuk:** The Project Team has brought topics from operational review to the Scoping Team for discussion. Several of these topics will be discussed during this meeting. The Project Team intends the changes to HCP to be made through the ST collaborative effort. The Project Team is confident in the work the Scoping Team has done and is considering some refinements to clarify implementation. ODF will continue to work with the services during the Draft EIS process. If there are any potential changes, ODF will seek alignment with the Scoping Team. It's important to reflect on the cooperation that helped us get to this point.
- **Comment:** There is still uncertainty about what the BOF will direct ODF to do when presented with the HCP and NEPA analysis. If the BOF directs ODF to make revisions, it will be in advance of the Final Draft HCP and in collaboration with the Scoping Team.
- **Comment:** Concerned about potential changes to the HCP and would like to see proposed language in each section of the HCP to ensure there is context.
  - **Troy Rahmig:** An additional Scoping Team meeting is scheduled for December. If there are proposed changes, they will be integrated into the document. The updated Draft will be shared with the Scoping Team prior to the meeting and discussed further in December.

### Management in HCAs

Nick Palazzotto, ODF, shared that the HCP Project Team met with Rich, Rod, and Ryan to discuss feedback from the field. The Scoping Team spent time getting to a pace and scale

agreement that would minimize impacts to covered species and achieve the desired result. The specific language for this was sent out for operational review. The field is interested in additional flexibility for pace and scale that would allow for more efficient logistics and operational planning. ODF met individually with Rod and Rich to address concerns and provide more detail. Nick shared the proposed changes for pace and scale of management in HCAs, noting that the decision to complete a management action in an HCA is driven by the biologist interacting with the planning team in any given year. This acts as a safeguard for concerning actions.

Troy Rahmig reflected on the group's hard work coming up with an approach to management in HCAs and recognized concerns with potential changes. Troy shared that the group first identified acreage limits as a coarse level way to make sure species effects were minimized. Following this, the Scoping Team added protections beyond acreage limits by specifying how and where management could occur relative to habitat type. For concerns about management happening too fast, Troy noted that the impacts of management may not be realized until late into the permit term. The Project Team supports relaxing restrictions to a 10-year planning horizon that aligns with Implementation Plans (IPs). Protections are in place to handle this change and additional details can be included in IPs around the decision-making process, if needed.

## Discussion

**Comment:** The Scoping Team initially discussed pace and scale because of concerns that, without it, there would be a potential for impacts. Expanding the time period raises concerns. The HCAs exist to provide a safety net and stronghold for the species and habitat characterizations in modeling aren't perfect. There is less concern about if the habitat manipulation works compared to the response of the species. It's possible that harvest could occur in non-suitable habitat or marginally suitable habitat and cause covered species to vacate. This is especially concerning for small HCAs. The Project Team could add language about not harvesting more than 50% of the area. Understand the desire to have flexibility, but concerned that this is tied to economics. In addition to acres harvested, the Team should think about how the action will impact the continued use of the HCA by the covered species. Collaboration may need to increase to reduce the likelihood of having undesirable effects.

Sylvia Ciborowski asked the group if the pace and scale language is something they could live with moving forward or, if not, what needed to happen for it to be acceptable?

- **Comment:** Additional controls and consultations need to be in place or more specificity needs to be added for management in HCAs of different sizes. The difficulty with this is that all HCAs are different, and districts want to do different things. The sooner management can occur, the better it could be for the species in the long run. However, it's also more likely that impacts to habitat may occur that cause the species to vacate the area and not return.
  - **Nick Palazzotto:** ODF also considers other factors, like the proximity of the action to the species, and how much recent activity has happened in the area. There are restrictions in place for known sites. There may be a way to add additional limitations for the HCA scale and site scale.

- **Comment:** HCAs are strongholds for covered species and a cautious approach is warranted. In small HCAs, the magnitude of effect will be larger. This would also apply at the site-level. Would biological assessments continue or go away? Having a minimum threshold as a target objective to avoid take is concerning.
  - **Nick Palazzotto:** The assumption is that there are enough protections in place in the HCA that ODF will not need to conduct biological assessments at these sites.

Sylvia asked if there was something that could be added as a control or constraint that would make the group more comfortable with the change.

- **Comment:** Need to see the changes proposed in the context of the HCP to articulate additional controls or constraints.
- **Comment:** NOAA Fisheries has moved away from annual limits to a rolling average because of the issues with contracts and supply. Supportive of the rolling average approach in concept because it provides more flexibility for the species and the contractors that pick up the timber sales. There are concerns that, within a watershed, there may be a significant increase in the potential harvest within a given time period that could impact siltation and fish. There is overlap with RCAs and HCAs, and it's not clear how that would be defined. Is there a limit that is or could be put on acres per watershed or percentage of watershed so that there is a clear limit on what could be impacted? In addition, with salvage and emergency logging, there could be large impacts to watersheds. How can this be limited and analyzed? Some fish species will be more critical than others.
  - **ICF:** There are RCAs inside HCAs and harvest units in HCAs apply the same RCA standards. Could look at how the RCAs overlay within the watershed to see if this is a concern.
  - **ODF:** If the watershed component applied outside of HCAs, this would be devastating to some basins, in terms of not being able to operate. ODF is looking for ways to be as efficient as possible within HCAs (i.e. roads and other project work associated with operations), and the ability to plan an auction efficient package of activities will be essential to helping these projects break even on costs. Contracts occur over a three-year period, and operators have discretion over the timing of work under the contract, including harvest. Language focusing on acres "treated" doesn't specify if the criteria is when harvest occurs or if it's when ODF goes through annual cycle of operations planning and auction. As written (i.e. "treated") could result in 2,500 acres max per three years (as opposed any given year) because ODF wouldn't be sure when the harvest would actually occur. This will put districts in direct competition with each other on trying accomplish operations into HCAs. The request isn't to expand on the treated acres over the permit term, or withing HCAs overall.

ODF is also considering water quantity with forest harvest as part of the FMP. Want to recognize that these issues are important for different reasons.

- **Comment:** Some relaxation of internal limits may be fine, but it increases risk to the species. Need to find other ways to increase certainty. There may need to be some additional clarity on the intentions of where and how management will occur and additional details in the decision-making process about how agencies are involved in the discussion and key factors that influence whether to conduct management in a particular situation.
  - **Nick Palazzotto:** If there re ideas about thresholds for management or the size of HCAs, please let the Project Team know. For increased coordination, ODF will need to be transparent about which HCA the sale is in.
- **Comment:** If not enough acres are treated early on, is there a risk to not meeting habitat development requirements?
  - **Troy Rahmig:** In the estimates about habitat development over time, ODF was conservative in assumptions about what could be done. More will be known as models are fine tuned in the future and these assessments can be refined.

Update on Recreation Activities in the HCP

Melissa Klungle, ICF, shared an update on recreation activities. Feedback was received from NOAA Fisheries requesting more details to support the effects analysis. Updates include additional characterizations in the HCPs about recreational trails and changes to Conservation Action 12. Melissa outlines some of the key components of trail development in RCAs:

- No motorized trails are allowed, unless for stream crossing
- Non-motorized uses will be allowed in RCAs but not in ERZs unless for stream crossing

Melissa shared what the existing and planned trail miles look like in the permit area:

Summary of Total Existing Recreational Trail Miles and Trail Miles in RCAs					
Existing Trail miles in Permit Area		Existing Trail Miles in RCAs		Existing Trail Miles in ERZs (35ft buffer of streams)	
Motorized	497	Motorized	32 (6%)	Motorized	24 (5%)
Non-motorized	140	Non-motorized	25 (18%)	Non-motorized	12 (9%)
<b>Grand Total</b>	<b>638</b>	<b>Grand Total</b>	<b>57 (9%)</b>	<b>Grand Total</b>	<b>36 (6%)</b>

### Summary of Total Planned Recreational Trail Miles and Trail Miles in RCAs

Planned Trail miles in Permit Area		Planned Trail miles in RCAs		Planned Trail miles in ERZs (35ft buffer of streams)	
Motorized	143	Motorized	10 (7%)	Motorized	9 (7%)
Non-motorized	277	Non-motorized	44 (16%)	Non-motorized	22 (8%)
<b>Grand Total</b>	<b>421</b>	<b>Grand Total</b>	<b>55 (13%)</b>	<b>Grand Total</b>	<b>32 (8%)</b>

Changes being incorporated into the HCP will be shared prior to the meeting in December. This hasn't resulted in any changes to the RCAs or the effects analysis other than providing additional rationale for existing conclusions.

Sylvia asked if there were any other edits agencies are working on to the October Administrative Draft HCP circulated over the past couple weeks. Agencies responded by stating that they are not working on additional edits.

### UPDATE ON THE NEPA PROCESS

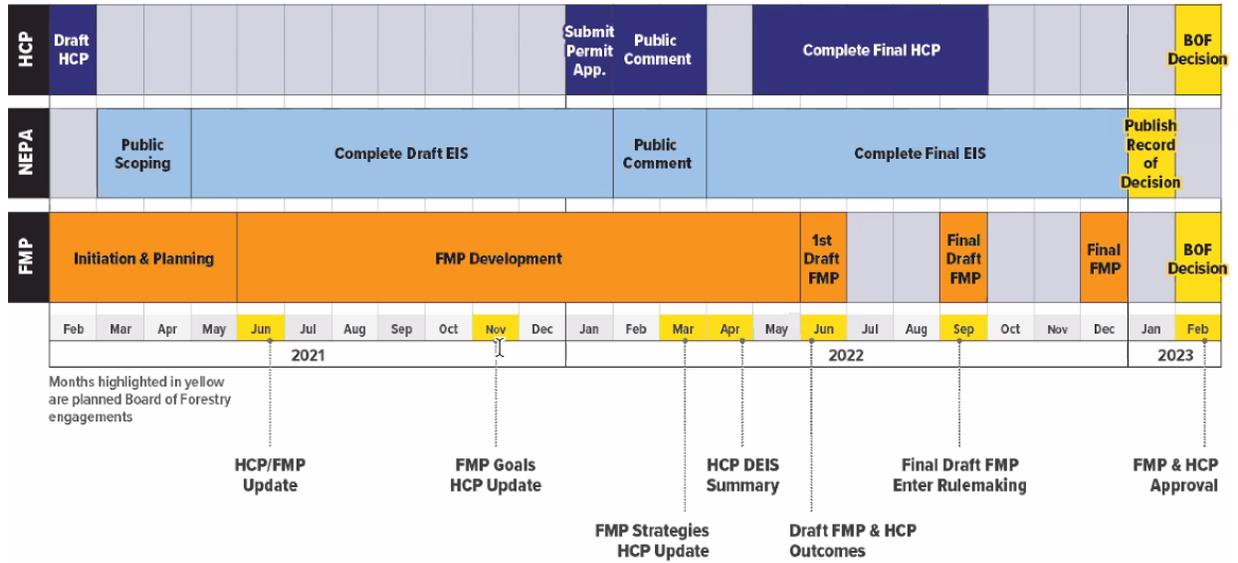
Tere O'Rourke, NOAA Fisheries, provided an update on the NEPA process. NOAA Fisheries recently received requested information from Tillamook County that will be used to inform the socio-economic analysis. NOAA Fisheries is analyzing County information to determine impacts to fire and school-districts under different alternatives. The second version of the Draft EIS was recently received from ICF. Due to some delays and modeling, the agency is anticipating that the Draft EIS will not be released until March, 2022.

### Discussion

**Comment:** ODF and NOAA Fisheries will need to work together on what the effects might be with a timeline change.

### UPDATE ON FOREST MANAGEMENT PLAN

Cindy Kolomechuk, ODF, shared timeline and process updates for the FMP. ODF has been working on draft FMP goals and strategies. Draft strategies will be shared with the public at the December 7 Meeting Open to the Public. Goals will be shared with the BOF on November 3 and strategies will be shared with the BOF in March, 2022. In June, a full draft of the FMP will be shared with the BOF.



## APPROACH GOING FORWARD, NEXT STEPS, AND SUMMARY

Cindy Kolomechuk shared the BOF Agenda for November 3. State Forests will present metrics at 11:30 am, the Forest Trust Lands Advisory Committee will provide comments at 1:15pm, and an update on the FMP, HCP, and NEPA processes will be shared at 1:30pm.

Sylvia reviewed next steps and upcoming meetings:

- Tuesday, December 7 9-11am – FMP State Partner Agencies Meeting
- Tuesday, December 7 1-4pm – Meeting Open to the Public
- Tuesday, December 14 9-11am – HCP Scoping Team Meeting
- Tuesday, December 14 12-2pm – HCP Steering Committee Meeting
- Tuesday, January 11 9-11am – HCP Scoping Team Meeting
- Tuesday, January 18 9-11am – HCP Steering Committee Meeting