

MEETING SUMMARY

WESTERN OREGON STATE FORESTS HCP SCOPING TEAM

Tuesday, December 14, 2021, 9:00 am – 11:00 am

By Webinar/Video Conference

ATTENDEES

Participants: Julie Firman (ODFW), Ryan Singleton (DSL), Nick Palazzotto (ODF), Mike Wilson (ODF), Rich Szlemp (USFWS), Rod Krahmer (ODFW), Jeff Young (NOAA Fisheries), Kate Wells (NOAA Fisheries)

Technical Consultants and Guests: Melissa Klungle (ICF), Jordan Mayor (ICF), David Zippin (ICF)

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

WELCOME AND AGENDA REVIEW

Sylvia Ciborowski, Kearns & West, welcomed Scoping Team (ST) members and reviewed the agenda, which included: 1) Welcome and Agenda Review, 2) Agency and Stakeholder Engagement Updates, 3) Report out on 12/7 FMP/IP State Partners Meeting, 4) Updates to Address Comments on Draft HCP and Updates on the NEPA Process 5) Update on FMP and 6) Approach Going Forward, Next Steps, and Summary.

AGENCY AND STAKEHOLDER ENGAGEMENT UPDATES

Members provided the following updates relevant to the Western Oregon State Forests HCP and FMP processes:

- **USFWS:** Rich Szlemp is retiring and Joe Zisa will take over his role on the ST.
- **NOAA Fisheries:** Tere O'Rourke has retired and her position on the ST has been filled by Kate Wells.
- **DSL:** No updates.
- **ODFW:** No updates.
- **ODF:** Liz Dent has accepted a new position with the PNW Research Institute. Kate Skinner will serve as interim Division Chief. Kate will take part on the Steering Committee meetings and has been involved with the Forest Management Plan (FMP).

- **ICF:** Melissa Klungle is the new Project Manager for the HCP and Jordan Mayor is joining as the Deputy Project Manager. Jordan has a background in forest ecology.

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

- ODF held a meeting open to the public on December 7 to provide updates on the HCP and NEPA process. The meeting primarily focused on the FMP.
- ODF held two joint stakeholder meetings on December 9 and 13 to discuss draft FMP strategies. Mike Wilson noted that there has been some confusion with strategies in the HCP and strategies in the FMP and how these apply on the landscape.

REPORT OUT ON 12/7 FMP/IP STATE PARTNERS MEETING

Sylvia Ciborowski shared that the State Partners meeting focused on draft FMP strategies. The team wanted to share support for identifying performance measures and tactics to support the FMP, and ensuring the plan is measurable moving forward.

Mike Wilson shared information on strategy mapping for the FMP. The Core Team is using strategy mapping to identify how strategies relate to other goals and to identify the tactics needed to implement each strategy. Mike noted that tactics will not be included in the FMP but will be essential to understand how to model correctly.

Discussion

Question: Will ODF monitor the FMP and HCP in a way that creates efficiencies and doesn't duplicate efforts?

Mike Wilson: The HCP be the priority for monitoring efforts because of ODF's obligation to the plan. Monitoring, especially for habitat and hydrologic connectivity, may overlap with the FMP. There is also information for species without HSIs. ODF will look to the forest inventory to describe a more general seral condition as a coarse filter. ODF will continue to support and leverage things cross agency. FMP draft strategies and performance measures will be shared with the BOF in March 2022 for feedback.

UPDATES TO ADDRESS COMMENTS ON DRAFT HCP AND UPDATES ON THE NEPA PROCESS

Melissa Klungle, ICF, shared updates on the Draft HCP:

Updates have been made to the document to reflect agency comments for clarity and consistency. All chapters have been updated and ODF will share an updated draft following the ST meeting.

Chapter 1

Updates were made for clarification in response to comments received. The Migratory Bird Treaty Act for barred owl was not included in the HCP because this is part of the NEPA analysis.

Chapter 2

Included a description of modeling for the species accounts. This shows modeling information and parameters.

Chapter 3

- Restructured some of the Covered Activities like water drafting and storage. Language was previously included for quarries and has been expanded to borrow and stockpile sites.
- Moved best management practices for various Covered Activities to Chapter 4 as conservation language.
- Revised Covered Activity Description for Recreation Infrastructure and Maintenance

Chapter 4 – Conservation Actions

- Conservation Action 2 – Riparian Equipment Restriction Zone was updated to include management direction for how to operate within the zone.
- Conservation Action 11 – Road and Trail Construction was updated to include road management measures applicable to trails.
- Conservation action 12 – Restrictions on Recreational Facilities was expanded to include planned trail miles by location.

Chapter 4 – Conservation Strategy

- All of the areas for which models are available for marten have habitat different enough to make extrapolating this data unreliable.
- Conservation Action 7: Pace and Scale in HCAs – ODF is working on language for pace and scale in HCAs. Interested in using “sold” over “treated” to characterize the amount planned for sale in any given year. Timber sale contracts typically span three years and ODF has limited control over when the purchaser or operator will harvest. ODF can’t be overly prescriptive on such a wide range of HCA sizes with varying management potential. ODFW and other state partners will be heavily involved in Implementation Plans through the FMP and the 10-year comprehensive reviews for the HCP.
- Conservation Action 8: Conservation Actions Outside HCAs and RCAs – discussed with small groups and made updates reflecting these discussions.
- Conservation Action 10: Operational Restrictions to Minimize Effect on Covered Species - discussed with small groups and made updates reflecting these discussions.

Chapter 5

Comments received were about the intent of the chapter and cleanup of the regulatory language.

Chapter 6

Minor language changes were made to clarify that the Covered Activity in the HCP is recreation infrastructure, not the use of the infrastructure. ODF has control over siting the facilities and maintaining the facilities, not the ways in which the public uses the facilities.

Chapter 7

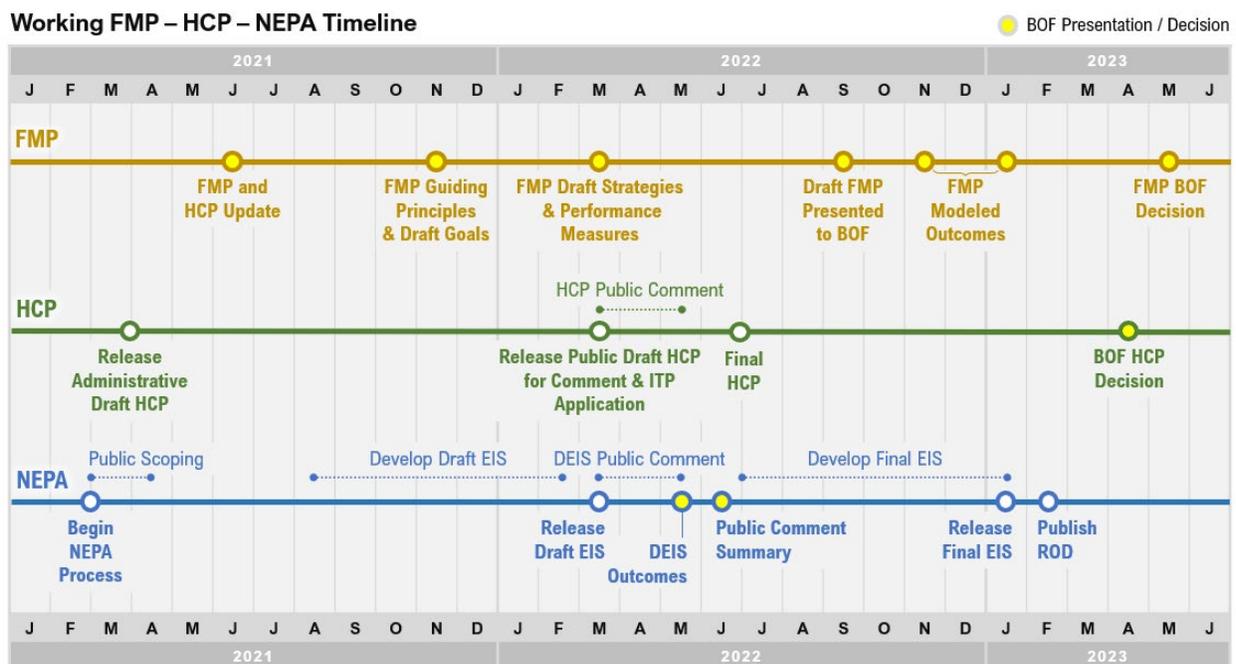
Nothing outstanding for discussion

Chapter 8 – Implementation Roles and Responsibilities

The USFWS Regional Office commented that the role of the federal agency is too limited and needs to be expanded. The ST worked together to develop the list and it was pared down based on feedback received during ST meetings.

Timeline and Schedule

Mike Wilson shared the timeline for the FMP and BOF engagement points.



Mike noted the FMP BOF Decision timing may shift, but ODF doesn't need a decision on the FMP to implement the HCP.

Melissa shared that the HCP team is working on updated the Public Draft HCP and will provide a tracked changes version to the ST for agency review after remaining comments are addressed. The next ST meeting is January 11 and this meeting will be focused on hearing from

the services if they are in alignment with revisions made to the HCP. ODF is planning to submit the Incidental Take Permit application in January with the current working draft of the HCP. Additional edits will be made prior to the release of the Public Draft HCP with the Draft EIS.

Sylvia asked the group if January 11, 2022 worked to discuss final changes to the HCP and no major concerns were raised.

Discussion

Question: Is trash management as it relates to marbled murrelets addressed, and is it consistent with the state ESA?

- **Melissa Klungle:** There have been updates to the trash section for the marbled murrelet to reflect the ESA. This was based on feedback received from ODFW.

Chapter 4 – Pace and Scale

Members discussed the proposed language for pace and scale and had the following comments and suggestions:

- Is it possible to change contracting language rather than providing greater flexibility in the HCP?
- Concerned that if economics change and alder becomes very high priced, there could be a big push to do alder work in HCAs.
- The link between the HCPs and IPs is unclear. If something is allowed in the HCP, will comments at the IP stage carry weight? Ambiguity around assurances at the IP level is a concern.
- ODF can't plan every acre every year and there are some things up to the purchaser's discretion. The language is still a little vague because of the averages. If the acreage goes above a certain acreage over a given amount of time, is there a way to get back on track? It will be important for there to be a "check", perhaps through reporting to make sure things are averaging out as expected

ODF responded that a balance is needed. Purchasers need time to do the work and schedule resources. Resources and operators can be difficult to find. If there is less flexibility in HCAs, the bid price may decrease and could easily become revenue negative. ODF could set some high-level assurances to help. To add assurances, ODF could specify "should there be a scenario where 7500 acres are harvested in a single year, it wouldn't occur within a single HCA".

Members noted that this proposal is a step in the right direction and recommended adding "watershed" as well.

ODF agreed that the scale of the watershed is important because it can spill across large areas and become a constraint. Updated language will be provided in the draft.

Chapter 6

Comment: If ODF builds new recreation infrastructure, the agency will be in part responsible for allowing impacts to happen due to that infrastructure.

- **ODF:** Will update the header to refer to “recreation facilities” instead of “recreation activities”. ODF will consider risk when building new facilities and take actions to minimize the potential for activities to be in an area where they would cause take.

Remaining USFWS Regional Office Comments

Question: What level of detail is the Regional Office looking for regarding comprehensive monitoring and the adaptive management strategy? ODF is trying to stay away from narrowly defining triggers because there is a lot of uncertainty. A clarification was made that a comprehensive monitoring and adaptive management strategy will be developed, but no changes were made to the potential triggers or response examples.

- **USFWS:** For adaptive management to work well ODF should be fairly specific in what triggers adaptive management and what options are available under adaptive management. Will look at the language and talk to the Regional Office to see if they have anything more specific that would help.

Question: In Chapter 8, Implementation roles and responsibilities, should additional measures be added back in further detailing roles and responsibilities of federal agencies? Additional clarity is needed for bullet points one, four, and five.

- **USFWS:** Will need to follow up with the Regional Office.

Incidental Take Permit (ITP)

Question: For the ITP form, there is a request for information in items A-D. Does USFWS need this summary or can ODF check the box that this information will be included in the Final HCP?

- **USFWS:** Yes, ok to check the box.

Comment: Theoretically, ODF does not need to submit the permit application until the day before the Notice of Receipt of Permit Application and the Notice of Availability. Typically, all documents are received and go out at the same time. The ITP application is typically submitted when the documents are ready for public release.

- **ODF:** Will need to check in with NOAA Fisheries to ensure alignment with the timeline for each agency.

Comment: USFWS is working with NOAA Fisheries to ensure there is alignment to put out the NEPA notice. Ideally, only one notice will go out. It's important to know the expected date of the federal register notice and drafting up the document for that notice.

UPDATE ON FMP

Mike Wilson provided an update on the FMP. ODF will have an HCP and Incidental Take Permits before the revised FMP and full set of initial IPs are complete. ODF will complete a two-year IP revision that covers fiscal year 2024 and 2025 sales. ODF is currently working on the IP for fiscal year 2023 and will start implementing in July 2022. This will allow ODF to bridge the gap between the current FMP and create a set of initial IPs for the new FMP. This will be a full IP revision, not a letter of extension.

APPROACH GOING FORWARD, NEXT STEPS, AND SUMMARY

Sylvia Ciborowski shared that the next ST meeting is January 11. The Draft HCP will be sent to the ST once it's ready for comments. Sylvia reminded the group that this is the phase of document review when the last round of agency comments have been responded to. The HCP Project Team is looking to see if comments have been addressed in a way that the agencies are comfortable with and is hoping to avoid new issues.