

MEETING SUMMARY

WESTERN OREGON STATE FORESTS HCP SCOPING TEAM

Tuesday, January 11, 2022, 9:00 am – 11:00 am

By Webinar/Video Conference

ATTENDEES

Participants: Kate Wells (NOAA Fisheries), Jeff Young (NOAA Fisheries), Ryan Singleton (DSL), Rod Krahmer (ODFW), Julie Firman (ODFW), Josh Seeds (DEQ), Joe Zisa (USFWS), Mike Wilson (ODF), Nick Palazzotto (ODF), Sarah Dyrdaahl (ODF)

Technical Consultants and Guests: Melissa Klungle and Jordan Mayor (ICF), Bodie Dowding (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 (ST) members and reviewed the agenda, which included: 1) Welcome and Agenda Review, 2) Agency and Stakeholder Engagement Updates, 3) National Environmental Policy Act (NEPA) Update, Report out on December Small Group Meeting and Updated NEPA and Habitat Conservation Plan (HCP) Timeline, 4) Address Comments on Draft HCP, 5) Update on Forest Management Plan (FMP), and 6) Approach Going Forward, Next Steps, and Summary.

AGENCY AND STAKEHOLDER ENGAGEMENT UPDATES

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

- **ODF:** The new Board of Forestry (BOF) member Liz Agpaoa brings a wealth of experience to the Board. ODF will have regular meetings with Liz to keep her updated on the HCP and FMP processes. ODF also holds regular one-on-one meetings with all BOF members, even when there isn't an upcoming agenda item, to ensure there is good support for the HCP and FMP processes moving forward.
- **NOAA Fisheries:** 1) Kate Wells took over for Tere O'Rourke as Interim Branch Chief for the Oregon Coast Branch. 2) Jeff Young is continuing to work on the Biological Opinion.
- **ODFW:** Seeing low returns for some coho populations.

- **USFWS:** No updates.
- **DEQ:** No Updates.
- **DSL:** No updates.

NEPA UPDATE, REPORT OUT ON DECEMBER SMALL GROUP MEETING AND UPDATED NEPA AND HCP TIMELINE

NEPA Update

Kate Wells, NOAA Fisheries, provided a NEPA update. The NEPA Team is targeting mid-March for the release of the Draft Environmental Impact Statement (DEIS) and Public Draft HCP. NOAA Fisheries is currently undergoing internal reviews of the DEIS with General Council before moving the document through the clearance process.

NOAA Fisheries is coordinating with USFWS on publishing a joint notice to ensure an efficient process. Early notifications will be provided to the federally recognized tribes one week prior to the federal register notice.

The NEPA Team is working with ICF to hold a public meeting mid-way through the public comment period for the DEIS. The meeting will include a formal presentation with a public comment session. The meeting will also be recorded and available to the public. Public comments will be made to the regulations.gov portal.

Timeline Updates

Cindy Kolomechuk, ODF, shared that ODF is planning a special BOF meeting in May to review the DEIS. The meeting will include a facilitated conversation with the Forest Trust Lands Advisory Committee (FTLAC). The BOF will have an opportunity to ask the Federal Services questions and all members of the HCP ST and Steering Committee (SC) are invited to attend. Kearns & West will send out a notification as soon as a meeting date is scheduled.

Cindy reviewed the schedule for the Public Draft HCP:

- Finalize Public Draft HCP
 - January 21: ST comments due
 - January 11-28: ODF will address comments
 - HCP Technical editing and formatting
- Incidental Take Permit (ITP) application to USFWS and NOAA Fisheries
 - Initial draft ITP to be shared with NOAA Fisheries and USFWS by Jan 28th
- Public Draft HCP and ITP due to NOAA and USFWS Feb 9th

December Small Group Meetings:

Cindy summarized the purpose of the USFWS and NOAA Fisheries small group meetings:

- Coordinate on NEPA and HCP as ODF and the Federal Services move toward the DEIS.
- Recalibrate with new members to understand roles and responsibilities.
- Support Services in data needs for the Biological Opinions.
- Moving the proposed action through the NEPA public process and identifying potential hazards and impacts.

ADDRESS COMMENTS ON DRAFT HCP

Sylvia Ciborowski reminded the group of the process that the ST has taken to get to this point of the draft HCP. She noted that today is an opportunity to raise any remaining issues before the process moves forward, and to seek alignment that the draft HCP represents a document that can be moved forward in the NEPA process. Mike Wilson, ODF, shared that ODF's goal is to reach a point of understanding that allows the process to move forward and the Team to meeting existing deadlines.

HCP Discussion Topics

Mike drew attention to a set of topics for discussion today based on recent changes and ST review of the HCP document, and invited the group to identify any other topics.

- Frequency table update
- Fuels reduction update
- Changed circumstances – Fire
- Schedule
- Other

Frequency Table Update

- Mike reviewed the definitions for “frequently”, “infrequently”, and “rarely”:
 - Frequently = Activity intersects RCAs/HCAs multiple times annually, on every State Forests district. Amount of activity varies by district, dependent on habitat and forest health goals.
 - Infrequently = Activity intersects RCAs/HCAs a few times annually, but is generally not be present on every State Forests district, every year.
 - Rarely = Activity intersects RCAs/HCAs no more than once annually, for any given State Forests district.

- Mike shared Aquatic Frequency Tables for:
 - Drainage Structure Construction and Maintenance
 - Recreation Infrastructure and Maintenance
- Mike shared the Terrestrial Frequency Table for Recreation Infrastructure and Maintenance
- Mike shared a table for new recreation facilities allowed in each habitat type. The table shows the type of new recreation facilities that will be allowed to be developed in marbled murrelet designated occupied habitat, northern spotted owl nesting core, and Riparian Conservation Areas (RCAs).

Fuels Reduction

Conservation Action 10: Operational Restrictions to Minimize Effects on Covered Species

- Mike noted that a minor text update was made to section 4.7.10.5 fuels reduction to clarify the intent of the action. Changed the intent to “minimizing effects on habitat.”

There may be increased focus on fuels reductions with HCAs in the future, as circumstances change, forests age, and fire frequency and severity increase. Fuels reduction efforts in HCAs will focus on mitigating wildfire risk while minimizing effects on habitat suitability.

Changed Circumstances

Section 7.3.3.2 Changed Circumstances Due to Fire

- Mike noted that the HCP Team reviewed specific text in the HCP and thresholds for management actions.
 - If more than 50% of any one HCA or more than 5,000 acres of HCAs collectively are affected by any combination of these events in 1 calendar year, that will be considered an unforeseen circumstance.
 - No unforeseen threshold for changed circumstances are defined for RCAs. ODF will restore forests within RCAs regardless of acres impacted by a single natural event in 1 calendar year. The current language is problematic because this can be an impossible standard (see discussion below).
 - No salvage logging is permitted in HCAs or RCAs, unless necessary for public safety, or to protect infrastructure. Trees that need to be felled will be left unless they would continue to threaten infrastructure (e.g., a large amount of wood immediately upstream of a culvert or bridge).

Section 7.3.3.2 Response to Fire

- Mike noted that the HCP Team reviewed steps 1-3 for ODF's response to fire:
 - **Step 1:** Quantify habitat loss from the natural event for each of the affected covered terrestrial species, based on modeled habitat.
 - **Step 2:** Determine whether ODF is still meeting the Stay-Ahead provision (as described in Chapter 8, *Implementation*) for each covered species despite the habitat loss incurred by the natural event, using modeled habitat. If the Stay-Ahead provision is still being met for a given covered species no further response is needed. If the Stay-Ahead provision is not being met for one or more species, move to **Step 3**.

Discussion

Frequency Table

Comment: Owl nesting cores are 250 acres.

Fuels Reduction

Comment: This is an example of where Implementation Plans (IPs) and Annual Operations Plans (AOPs) will be relied on. The linkage between the IPs and the HCP is unclear and ambiguous.

- **Nick Palazzotto:** Fuels reduction will be included in the IPs and there is a process for agency and stakeholder input. The assurances for fuels reduction in the HCP is the IP process. This is ODF's process for forest management.

Changed Circumstances

Question: Is this text already in the HCP?

- **Nick Palazzotto:** Correct, no changes were made to the HCP for this topic.

Comment: Concerned about the uncertainty and complexity related to fire, and the step-down processes with the IPs and AOPs.

Question: When is additional consultation initiated?

- **Nick Palazzotto:** If a disturbance occurs, ODF will consider how this relates to habitat goals over time. If ODF is not meeting the stay ahead provision, harvest of proximal habitat outside of HCAs is deferred to maintain stay ahead until stay ahead is again being met by expected habitat growth. If the stay ahead can't be met and ODF is not meeting habitat goals, there is the ability to adjust the stay ahead provision. This step triggers consultation.

Question: What are the different situations under which salvage would occur?

- **Mike Wilson:** ODF has salvage operations on the landscape that aren't related to public safety. In RCAs, salvage will not occur, except for public safety. In the public safety scenario, trees would be felled and left.

Comment: ODF is interested in language suggestions to help define what active or passive restoration approaches could look like outside of salvage logging.

Question: What is ODF's current process for restoration post fire? What kind of activities is ODF doing to address the impacts from fire?

Scoping Team roundtable on moving the Public Draft HCP forward in the NEPA process

Sylvia Ciborowski asked the group if there are other topics from review of the Public Draft HCP to discuss before moving forward. No additional topics were raised.

Sylvia asked the group if the Public Draft HCP is ready to move forward into the next step of the NEPA process or, if not, what the necessary steps are before the Draft can be submitted?

NOAA Fisheries:

- May have minor comments before the review deadline, but for our species and the aquatic strategies, NOAA Fisheries is comfortable with where the Draft is at and moving forward.
- Respect the time, effort, and planning that has gone into this. If there are points that come up, they will likely be small and can be handled on a case-by-case basis. Did not see any red flags upon review. Fine to move forward and address any comments through the public comment period.

USFWS: In the process of reviewing and digesting the HCP. Will likely have comments and questions between now and January 21.

- Path forward: Schedule a meeting to discuss any comments and questions.

DSL: Detailed review took place earlier in the process and any concerns for DSL have been addressed. No issues with the Draft moving forward as is.

DEQ: Plan on reviewing changes this week. May have suggestions on RCA fish salvage and how to characterize response without being prescriptive of every situation. Provisionally, changes are ok to move forward.

- Path Forward: reach out to ODF with any issues before January 21.

ODFW: The ST has gone through hard work and compromise over the past couple years. Don't see any major flaws moving forward. There are some places that could use some polish:

- Including more clarity around the step-down process from the HCP to the IPs and AOPs

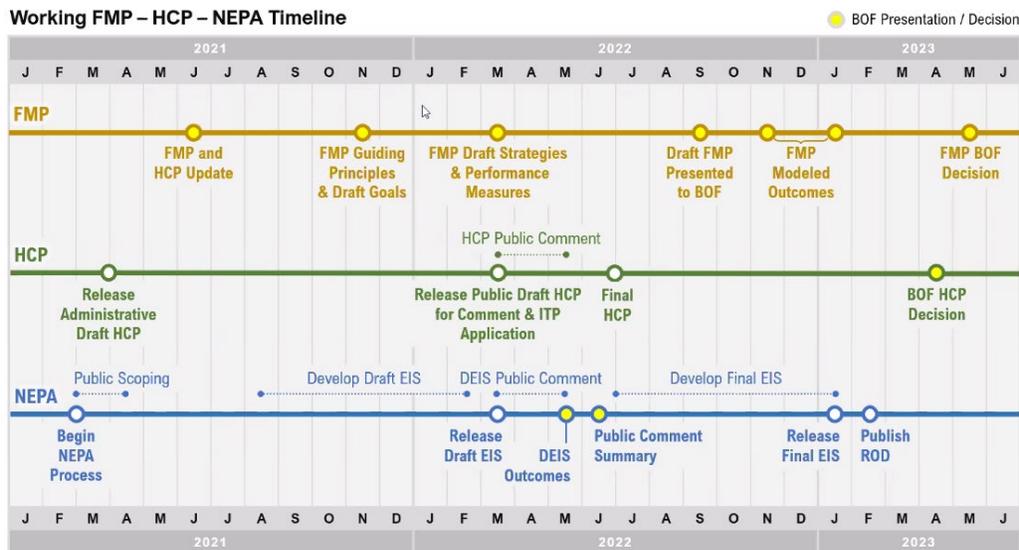
- Addressing the value or management targets of hardwoods to covered species.
- Polishing and adding caps around the thresholds for pace and scale

Mike responded to comments about the IP process and hardwoods. The IP process is tied to the HCP with annual reporting and the ten-year comprehensive review. ODF needs to build clarity on how the process will work and how opportunities for engagement will be provided. This can happen after the Public Draft HCP is released. ODF can also describe the current condition, what’s available, and the range of impact to hardwoods. The Adaptive Management Framework can also be used to address concerns.

- **Comment:** There is evidence from chrono sequences looking at soil fertility that the alder stage drives the nitrogen content of the system for a long period of time. West of the Cascades the alder and *Ceanothus* bushes are providing nitrogen and have a huge impact on system productivity until 150 years. Especially in stands more geared towards harvest, where do they get their nitrogen if they’re reset every 40 years? This is also connected to water quality. Nitrogen fixation is phosphorus dependent. Nitrogen fixers trap soluble phosphorus and prevent movement into stream systems.

UPDATE ON FMP

Bodie Dowding, ODF, shared a timeline update for the FMP.



Key Milestones

- ODF will present draft strategies and performance measures to the BOF in March 2022
 - Multiple goals may feed into a single performance measure

- Targets will not be provided until modeled outcomes in 2023
- ODF is starting to draft portions of the Draft FMP and will present these in September 2022
- ODF will present modeled outcomes in November 2022 and January 2023
- ODF will present the full FMP to the BOF for a decision in May 2023
- Rulemaking for the FMP will start before the BOF decision in May 2023 and ODF plans to have the FMP and initial IPs ready for fiscal year (FY) 2026

Bodie noted that ODF anticipates having an HCP and ITPs prior to having a fully approved FMP and will not be able to complete the IPs in time for the ITPs. ODF will develop two-year revised IPs for FY 2024 and 2025 to allow for business continuity under the current FMP. The revisions will address harvest levels, desired future condition mapping, and other elements required for an IP. The IPs will also go through the public process. With the two-year IPs, ODF needs to determine where to adjust the landscape design to align with the HCAs. ODF is considering keeping the complex landscape design percentages the same as they are now.

APPROACH GOING FORWARD, NEXT STEPS, AND SUMMARY

Sylvia Ciborowski shared deadlines for Public Draft HCP comments:

- Final input by Jan 21
- Submitting on Feb 9

Sylvia reviewed next steps and upcoming meetings:

- Tuesday, January 18 9-11am – HCP Steering Committee Meeting
- Tuesday, February 8 9-11am – FMP State Partners Meeting
- Tuesday, March 1 9-11am – HCP Scoping Team Meeting

Sylvia noted that Kearns & West will be in touch regarding the BOF workshop and closed the meeting.