

MEETING SUMMARY

WESTERN OREGON STATE FORESTS HCP STEERING COMMITTEE MEETING

Tuesday, May 24, 2022, 9:00 am – 11:00 am

By Webinar and Teleconference Only

PARTICIPANTS

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

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

Guests: Deb Bartley (ICF)

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

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) National Environmental Policy Act (NEPA) Update, 4) May 10 Special Board of Forestry (BOF) Meeting, 5) Habitat Conservation Plan (HCP) Implementation Flexibility Over the Permit Term, 6) HCP Scoping Team (ST) Update, 7) Update on the Forest Management Plan (FMP) Process, 8) Steering Committee (SC) Direction to ST, and 9) Approach Going Forward, Next Steps, and Summary.

AGENCY UPDATES AND STAKEHOLDER ENGAGEMENT

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

- **ODF:** 1) ODF is a cooperating agency on the Environmental Impact Statement (EIS) for the Elliott Research Forest. 2) ODF reorganized and expanded the role of the Forest Resources Division in cross management activities. The Executive Team was also reorganized and is going through a priority setting process. Sarah Dyrdaahl is interim forest policy deputy and serves on the ST.
- **NOAA Fisheries:** NOAA Fisheries has not received additional resources for -completing the NEPA process.
- **DEQ:** 1) DEQ recently submitted the Integrated Water Report to the EPA. The report fulfills the requirement to submit an update on the status of Oregon's waters, including a list of impaired waters. 2) The Commission approved DEQ's plan for conducting Total Maximum Daily Loads (TMDLs) by rule instead of by order over the next several years.

3) DEQ also provided the Commission with an update on the HCP and discussed that the HCP is crafted for Endangered Species Act compliance, not for TMDL requirements. However, DEQ recognizes that the conservation actions in the HCP will contribute to state forest lands meeting TMDL implementation requirements DEQ noted that no additional follow-up is needed on this item.

- **DSL:** 1) DSL and ODF had conversations about DSL potentially becoming a co-permittee on the HCP to ensure long-term flexibility in the management of Common School Forest Lands (CSFLs). DSL and ODF determined that, with the state as the permittee, DSL will have flexibility to decertify parcels covered by the HCP and select a new forest manager and does not need to be a co-permittee. The new forest manager would still need to follow the HCP ITP conditions. 2) During the June 14 Land Board meeting, ODF and DSL will provide an update on the HCP and make the case that it is still a good decision to include (CSFLs) in the HCP. 3) DSL is working on a management plan with stakeholders for the Elliott State Research Forest and started the NEPA process. The Shutter Creek Facility is being considered for headquarters.
- **ODFW:** 1) The Private Forest Accord has created new positions and opportunities for ODFW. 2) ODFW is conducting intrastate coordination to plan for and identify high path avian influenza impacts to research. 3) Kevin Blakely and Rod Krahmer are working on technical work for the HCP. 4) ODFW is engaging with the public on budget needs and looking at opportunities to enhance the habitat division and conservation program.
- **ICF:** 1) Part one of the new NEPA regulations took effect May 20. Part two is anticipated to be released soon. 2) USFWS and NMFS are actively working on revisions to Section 10 of the ESA. Regulatory changes are anticipated in fall 2022. Any changes will not take effect until after the HCP process is complete.

Sylvia Ciborowski shared an update on public and stakeholder engagement:

- The NEPA team held a DEIS Virtual Public Hearing April 6
- The April 29 Forest Trust Lands Advisory Committee (FTLAC) meeting included a presentation on the DEIS and the HCP
- ODF held a Special BOF Meeting May 10 for ICF to present the DEIS outcomes and engage in a conversation with FTLAC

NEPA UPDATE

Deb Bartley, ICF, shared that the NEPA team received 125 individual letters during the DEIS public comment period from local and regional sources. 15 letters are from non-government organizations, local governments, and industry. The remaining 110 letters are from individuals. The NEPA team also received approximately 40 copies of form letters. The bulk of the comments are anticipated during the final week of the public comment period. After the comment period closes on June 1, the NEPA team will complete a review of comments and enter them into a database by topic. Topic leads will organize and coordinate with agencies to determine an approach for responding to comment. Comments received on the HCP will be distributed to ODF. After response to comment, the NEPA team will work on finalizing the EIS and ODF will work on finalizing the HCP.

MAY 10 SPECIAL BOF MEETING

Mike Wilson, ODF, thanked SC members for attending the meeting and shared that the BOF was engaged and responsive to questions about the HCP and DEIS. After the DEIS presentation, FTLAC members had the opportunity to discuss concerns with BOF members. Mike noted that it was valuable to hear from all FTLAC members in attendance.

Sylvia Ciborowski noted several comments from FTLAC for SC awareness:

- Questions and concerns about future species listings and the need to protect northern spotted owls (NSO).
- Questions about the need to create habitat on state lands when there is habitat on federal lands.
- Questions about the Business Case Analysis (BCA) and modeling.

Discussion

Comment: Continuing to be transparent and provide education about why this effort is different than the BCA is important.

Comment: The Special BOF meeting was worthwhile and it's important to give the Commissioners an opportunity for discussion with the BOF.

Comment: Thankful for Sylvia's facilitation and leadership in the discussion.

Comment: The timeline for the HCP is on-track and ODF will continue to make progress.

HCP IMPLEMENTATION FLEXIBILITY OVER THE PERMIT TERM

Mike Wilson provided context for ODF's approach to adaptive management and review points with the federal services over the life of the HCP permit term. He shared that over the permit term, ODF may at times desire flexibility to make management changes for the benefit of the species and to incorporate emerging science. ODF is currently focused on defining thresholds and concepts for adaptive management. Mike noted that the HCP goals and objectives are the underpinning of the HCP and will not change, but it may make sense to adjust treatments over time. ODF will lean on the annual reporting cycle, five-year reporting cycle, and ten-year comprehensive review with the Services to determine the efficacy of treatments and identify any necessary adjustments. Stakeholders will also be involved during the ten-year implementation plan cycles. Mike noted that the approach to adaptive management will continue to be shared with the ST for alignment.

SC members were asked if the adaptive management approach aligns with their expectations. SC members noted the importance of aligning practices with emerging science and recommended including as much specificity in the adaptive management section as possible. NOAA Fisheries will review the adaptive management text to determine if what is included is sufficient and provides ODF with the desired level of flexibility.

HCP ST UPDATE

Adaptive Management

Melissa Klungle, ICF, shared an update on adaptive management. ODF is working on updating Chapter 6 in response to comments received from the USFWS Regional Office and the ST. Updated language provides more specificity about the annual, five-year, and ten-year review processes for engaging with the Services and State Partners during the adaptive management process. Melissa noted that if impacts occur outside of what was evaluated in the HCP, ODF would follow the process for requesting an HCP amendment. ODF is also refining language to indicate the adaptive management process will include working with the Services and State Partners to develop a range of options for implementation that ODF could select from.

ODF shared new adaptive management language with the ST and will review this language during the June ST meeting. ODF will also discuss long-term flexibility with ST members.

Equipment Restriction Zone (ERZ) Management in Seasonal Other Streams

Melissa Klungle shared that there was ambiguity about ERZ management in Seasonal Other Streams. ODF worked to develop a list of Best Management Practices to implement in the ERZ including:

- Maintaining integrity of stream channels
- Limiting skid trails and stream crossings Limiting soil disturbance to 10% of the ERZ in harvest units
- Harvesting when dry
- Endeavoring to limit damage to non-merchantable vegetation
- Retaining existing downed wood and stumps
- Avoiding slash accumulation in stream channels and ERZ

The Scoping Team is aligned on this set of BMPs. Melissa noted that BMPs and associated policies will be included in either the HCP or the FMP.

Barred Owl Commitment

Melissa Klungle shared that there were inconsistencies in the description of barred owl management in the HCP. ODF made minor updates to ensure consistency throughout the document and reflect ODF's commitment to dedicating approximately \$250,000 for the first 20 years of the permit term specifically for barred owl management, at which point the program will be evaluated and a determination about whether to fund the program into the future would be discussed with the USFWS

Discussion

Question: Will the BMPs be included in both the HCP and the FMP?

- **Melissa Klungle:** In some instances, BMPs will be included in both plans. In other cases, BMPs are best suited to one document or the other. For example, the 10% soil disturbance BMP will be included in the HCP and implemented with the FMP across the landscape. Skid trail limitation and stream crossings are policy decisions better suited for the FMP process. The policy column designates where the decisions will be made.

UPDATE ON THE FMP PROCESS

Cindy Kolomechuk, ODF, shared that ODF will present a draft of the FMP at the November BOF meeting. ODF will also hold a public meeting to review the Draft FMP with the public in September. ODF is currently working on the management approach for areas that are outside of HCAs and RCAs. ODF is also developing an adaptive management plan and implementation guidelines for the FMP. ODF will engage the State Partners throughout the summer to review sections of the FMP. Cindy noted that ODF has also engaged Klaus Puttman to support strategy development for the FMP.

Cindy shared that ODF is also working directly with the federally recognized tribes in a government to government work group to develop cultural resources goals and strategies. ODF is striving to engage with the tribes in a meaningful and deliberate way and is expanding engagement with the tribes across all divisions. ODF is also hiring a new position with archaeological credentials to support this work.

Discussion

Question: Will the SC see the FMP and connection points with the HCP?

- **Cindy Kolomechuk:** Once the management approach is framed up, ODF can share more details on the FMP with the SC in mid to late summer.

STEERING COMMITTEE DIRECTION TO SCOPING TEAM

Sylvia Ciborowski asked the SC if they had any direction for the ST. The SC shared the importance of the ST staying the course in the work that they are doing and continuing to work together to raise and address issues. HCP offers stability and certainty in the harvest levels that supports the industry and jobs. SC members shared that there are no major changes of course expected for the HCP and that ODF is committed to staying on-track.

APPROACH GOING FORWARD, NEXT STEPS, AND SUMMARY

Sylvia Ciborowski reviewed upcoming meetings and closed the meeting:

- Tuesday, June 7 9-11am – FMP State Partners Meeting
- Tuesday, June 14 9-11am – HCP Scoping Team Meeting
- Tuesday, June 28 9-11 am – HCP Scoping Team Meeting
- Tuesday, June 28 12-2pm – FMP State Partners Meeting
- Tuesday, July 19 9-11am – HCP Steering Committee Meeting