

# MEETING SUMMARY

## WESTERN OREGON STATE FORESTS HCP SCOPING TEAM

Tuesday, June 28, 2022, 9:00 am – 11:00 am

By Webinar/Video Conference

### ATTENDEES

**Participants:** Kate Wells (NOAA Fisheries), Jeff Young (NOAA Fisheries), Rod Krahmer (ODFW), Julie Firman (ODFW), Josh Seeds (DEQ), Joe Zisa (USFWS), Sarah Dyrdaahl (ODF)

**Technical Consultants:** Melissa Klungle and Jordan Mayor (ICF)

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

### 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) Sale Transition Planning, 4) Adaptive Management, 5) Recreation Commitments, 6) Habitat Overlap for Marbled Murrelets (MAMU), Northern Spotted Owl (NSO), and Red Tree Voles (RTV), 7) Covered Activity Implementation, 8) Fish Passage Design Review Process, and 9) Fish Salvage as a Covered Activity, 10) Additional Management in Habitat Conservation Areas (HCAs), 11) Process for Final Habitat Conservation Plan (HCP) and Timelines, and 12) Approach Going Forward, Next Steps, and Summary.

### AGENCY AND STAKEHOLDER ENGAGEMENT UPDATES

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

- **NOAA Fisheries:** 1) New [Anadromous Salmonid Passage Facility Design](#) criteria was recently released. 2) The NEPA Team is reviewing and categorizing public comments and working on the biological opinion.
- **ODFW:** No updates.
- **DSL:** ODF, DSL, and ICF met to discuss the topic of DSL becoming a co-permittee on the HCP. The agencies decided that the best option was to proceed with ODF as the sole permittee. ODF will add a provision in the HCP that would allow for ODF and DSL to enter a Memorandum of Understanding (MOU) if needed, to extend ODF's Incidental Take Permit (ITP) coverage to DSL. Under the MOU, ODF would allow DSL to extend permit coverage to another management entity. This approach will only work if the activities performed are under DSL's control through an enforceable contractual

relationship with the new manager. The new land manager would have to follow the terms and conditions of the HCP and the ITPs. There would be no need to amend the Final HCP or permits for this to occur because the process would be built into the HCP and only used if needed by DSL.

- **DEQ:** No updates.
- **ODF:** Forest Management Plan (FMP) goals and strategies have been shared for State Partner review. Feedback is due June 30.

## **SALE TRANSITION PLANNING**

Melissa Klungle, ICF, provided an update on sale transition planning. She reminded the ST that some of the timber sales sold prior to the HCP will be harvested without full HCP constraints. This includes sales in fiscal years (FY) 2021, 2022, and 2023. In FY 2024, ODF will start full implementation of the HCP and harvested sales will be in full compliance. Melissa shared that sale transition planning text has been drafted and will be shared with the ST for review.

### **Discussion**

**Comment:** Recommend including contracts in addition to timber sales, including Recreation, Education, and Interpretation (REI), to the language. In FY 2024, all contracts included in Annual Operations Plans (AOPs) will need to align with the HCP.

- **Melissa Klungle:** ODF and ICF will update the language to reflect that all contracts in the AOPs will be fully compliant with the HCP in 2024. This language will be shared with the ST for review.

## **ADAPTIVE MANAGEMENT**

Melissa Klungle reminded the ST that language for adaptive management was circulated after the May ST meeting. Updates to this text included providing additional clarity about points of engagement during the adaptive management process and providing details on how adaptive management measures would be developed with the Services. ODF would like to ensure there is agreement on updates made to the adaptive management section before moving forward with the language.

*Sylvia Ciborowski asked the ST if they had a chance to review updated language chapter and are comfortable with the language moving forward in the HCP. Sylvia noted the importance of confirming agreement with NOAA Fisheries about the engagement points outlined in the adaptive management language. ST members shared the following feedback:*

- NOAA Fisheries will send questions to ODF and ICF when ready. NOAA Fisheries will also review the language to ensure that there is enough certainty provided around engagement with the Services.
- USFWS will review the language.

### **Discussion**

**Question:** Who will fill the HCP Administrator role, and how will that role interact with ODF leadership?

- **Sarah Dyrdaahl:** The HCP Administrator role will be filled by the Resource Support Unit. This makes sense for implementation, as the State Forester or Division Chief would not necessarily have full awareness of activities in the field.

**Question:** What is the process for developing final sections of the HCP and how will public comment be incorporated?

- **Melissa Klungle:** ODF worked on addressing outstanding updates and clarifications from the ST during the public comment period. Reaching agreement on Draft HCP language is helpful before reviewing language in the context of public comment. Once public comment is reviewed by ODF and the ST, language will be finalized for the Final HCP.

## **RECREATION COMMITMENTS**

Melissa Klungle shared an update on recreation commitments in the HCP. ODF is reviewing recreation language to determine if it provides appropriate coverage over the course of the permit term. With the existing language, re-siting trails in Riparian Conservation Areas (RCAs) or HCAs counts as part of ODF's total constructed trail allowance. ODF is interested in rephrasing the language to allow trails to be re-sited, and not count against the trail allowance, if re-siting the trail benefits the species. For example, if a trail is causing sedimentation issues, ODF would re-site the trail for the benefit of the species. ODF is also interested in ensuring that there is enough flexibility to implement the REI program over the permit term. Melissa noted that ODF has discussed updating recreation commitment language with the NEPA Team to ensure that it will not impact the NEPA analysis. ODF will revisit recreation commitments at a future ST meeting and discuss ODF's proposal in more depth.

### **Discussion**

**Question:** Is there language in the conservation strategy about re-siting trails as a conservation action or mitigation strategy to account for trails constructed in RCAs?

- **Melissa Klungle:** The ST was more focused on development than re-siting trails in previous discussions. There is language about re-siting facilities for the benefit of the species and language for re-siting trails would be similar.

## **HABITAT OVERLAP FOR MAMU, NSO, AND RTV**

Corey Grinnell, ODF, provided context for the discussion, noting that habitat distribution and suitability models were developed for NSO, MAMU, and RTV to predict species occurrence. ODF expected that NSO habitat would also provide habitat for MAMU and RTV. However, when mapping the data, ODF discovered that habitat overlap is not straightforward. Corey shared the overlap of suitable habitat in the permit area.

Corey shared a web data viewer illustrating different habitat types and overlap. Corey noted that the tool is useful to understand how habitat types are spread out spatially. Corey shared that ODF is interested in questions on the data viewer and feedback on displaying the data.

### **COVERED ACTIVITY IMPLEMENTATION**

Melissa Klungle reviewed edits made to Chapter 3 after the release of the Public Draft HCP. ODF added language to ensure that coverage under the HCP would extend to contractors, universities, and other state agencies that conduct surveying activities to support the HCP monitoring effort. ODF will share language after the meeting for ST review.

### **FISH PASSAGE DESIGN REVIEW PROCESS**

Sarah Dyrdaahl, ODF, shared ODF's proposal to meet ODFW State Fish Passage Requirements and NMFS Anadromous Salmonid Passage Facility Design. ODF would report on the number of structures and projects implemented while following state and federal requirements. If there is a case in which ODF cannot follow requirements, the agency would reach out to state and federal partners to develop the most appropriate fish passage project for the site. ODF has discussed the proposal with NOAA Fisheries and is committed to working with NOAA Fisheries and ODFW to ensure there is alignment and understanding moving forward.

### **FISH SALVAGE AS A COVERED ACTIVITY**

Melissa Klungle shared that language on fish salvage as a covered activity was sent to the ST for review. Comments from NOAA Fisheries have been incorporated into the working document and updated language will be shared with the ST to close the loop.

### **ADDITIONAL MANAGEMENT IN HCAs**

Melissa Klungle shared that ODF is interested in adding language to Conservation Action 7 to have flexibility for future management in HCAs. This may include additional treatments or thinnings to ensure that Swiss needle cast, healthy conifer, and hardwood stands are on the right trajectory after the first 30 years of the HCP. Any additional treatments would follow all HCP requirements. Melissa shared draft language with the ST and noted that text would be sent out after the meeting for review.

*Sylvia asked the ST if they had any initial reactions or concerns with the language. ST members shared that they did not have initial concerns with the concept and needed time to take a closer look at the language.*

### **PROCESS FOR FINAL HCP AND TIMELINES**

Melissa Klungle provided a summary of the process for developing the Final HCP, noting that the process typically takes six months. ODF is currently reviewing and categorizing public comments from the NEPA process. Any comments that may result in substantive changes to the HCP will be discussed with the ST during July and August meetings and finalized by the end of August. This will allow the NEPA Team to incorporate any changes into their analysis. ODF's timeline will be informed by the Final EIS timeline and specific milestones will be shared as the

NEPA timeline is finalized. Melissa noted that ODF and ICF are available for support and to help answer questions as NOAA Fisheries and USFWS develop their biological opinions.

## **Discussion**

**Question:** What are the criteria for determining if a public comment will necessitate substantive changes?

- **Melissa Klungle:** Any change made to the HCP that alters the NEPA analysis is considered a substantive change.

**Question:** Who is responsible for determining if a comment requires a change?

- **Melissa Klungle:** NOAA Fisheries, USFWS, ODF, and ICF will meet to discuss comments and any potential changes that need to be made.

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

Sylvia Ciborowski shared appreciation for the ST's engagement in the HCP process and review of language. Sylvia shared upcoming meeting dates before closing the meeting:

- Tuesday, June 28 12-2pm – *FMP State Partners Mtg*
- Monday, July 18 9-11am – *HCP Scoping Team Mtg*
- Tuesday, July 19 9-11am – *HCP Steering Committee Mtg*
- Tuesday, August 2 9-11am – *HCP Scoping Team Mtg*
- Tuesday, September 6 9-11am – *HCP Scoping Team Mtg*