

MEETING SUMMARY

WESTERN OREGON STATE FORESTS HCP SCOPING TEAM

Tuesday, December 6, 2022, 9:00 am – 11:00 am

By Webinar/Video Conference

ATTENDEES

Participants: Kate Wells (NOAA Fisheries), Jeff Young (NOAA Fisheries), Joe Zisa (USFWS), Rod Kraemer (ODFW), Julie Firman (ODFW), Josh Seeds (DEQ), Jiajia Lin (DEQ), Ryan Singleton (DSL), Mike Wilson (ODF), Ron Zilli (ODF), Vanessa Petro (ODF), Nick Palazzotto (ODF)

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

Facilitation Team: Sylvia Ciborowski and 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) Process and Timeline Update, 4) Biological Opinions (BiOp) Check-in, 5) Habitat Conservation Plan (HCP) Finalization, 6) Recreation Program Compliance, 7) Trail and Road Miles, 8) Permit/Land Transfer, 9) Report Out to HCP Steering Committee (SC), and 10) 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 introduced themselves:

- **ODF:** 1) Mike Wilson provided an update on the November Board of Forestry (BOF) meeting. ODF shared information in response to a September request to compare environmental outcomes between Alternatives 3 and 5. In addition to providing this information, ODF staff communicated that any changes to the HCP may result in shifts to the timeline. Mike shared that approximately 60 members of the public provided testimony during the BOF meeting with overwhelming support for Alternative 3. No motions were made by the Board to pursue other alternatives and Chair Kelly has confirmed that there was no direction to change the Proposed Action. 2) In 2023, the BOF will reduce the overall number of meetings by holding four two-day sessions. The BOF will also hold planning retreats in October and April. 3) Cindy Kolomechuk shared that ODF is continuing to work with NOAA Fisheries and USFWS on response to comments for the HCP. Responses will be available in the Final EIS. 4) Ron Zilli

introduced himself as the Deputy Division Chief of Policy for State Forests and noted that he will be participating in ST meetings. 5) Nick Palazzotto received approval to fill the Aquatic and Riparian Specialist position and hopes to fill the position by early March.

- **Question:** When will ODF receive direction from the BOF on the HCP?
 - **Mike Wilson:** The BOF will provide direction on the HCP and implementation of the Incidental Take Permits (ITPs) in September after the Final EIS. ODF will also present Forest Management Plan (FMP) modeled outcomes to the BOF in August. In December, the BOF will decide if ODF should move forward with rulemaking for the FMP.
- **ODFW:** 1) ODFW has hired new staff for implementation of the Private Forest Accord. Julie Firman is on a committee to guide the monitoring process for the Private Forest Accord and may reach out for input on setting up an effective and collaborative process.
- **DSL:** No updates.
- **DEQ:** 1) Josh Seeds enjoyed meeting people in-person during ODF's tour in Clatsop County. 2) DEQ is set up to adopt Total Maximum Daily Loads (TMDLs) as rule instead of department orders. This is a structural change in OAR and will give DEQ more enforcement power, similar to water quality standards.
- **NOAA Fisheries:** No updates.

Stakeholder Engagement Updates

Sylvia Ciborowski shared that ODF anticipates holding a meeting open to the public on February 7, 2023. The meeting will include an update on the FMP Management Approach and Guidelines, as well as an update on the HCP and NEPA processes. ST members are welcome to listen in to the meeting.

Ron Zilli, ODF, shared that ODF is in the process of revising Implementation Plans for the current FMP. The Implementation Plans will go out for public comment mid-January and ODF will hold a meeting open to the public.

NEPA PROCESS AND TIMELINE UPDATE

Kate Wells, NOAA Fisheries, shared that the NEPA Team continues to work on response to comments for the HCP and Draft EIS. The process is going well, and the NEPA Team hopes to finalize response to comments by mid- to late- December. Melissa Klungle, ICF, noted that any changes made to the HCP in response to comment have already been discussed with the ST.

BIOP CHECK-IN

Melissa Klungle shared that ODF and ICF are supporting the Services with the development of the BiOps. ODF has been working with NOAA Fisheries throughout 2022 and will start to work with USFWS to provide additional data and information to inform the BiOp.

NOAA Fisheries Update

Kate Wells shared that NOAA Fisheries' BiOp is on track and that Jeff Young will continue to work with ODF to process and refine information. On December 9, ODF will meet with NOAA Fisheries to discuss road and trail miles.

USFWS Update

Joe Zisa shared that USFWS plans to start the BiOp consultation process in earnest in January 2023.

Discussion

Question: When does USFWS anticipate completing the BiOp process?

- **USFWS:** USFWS is working off of the NEPA timeline and is required to complete the BiOp in early- to mid- spring. USFWS plans on meeting this target.

Question: When does USFWS anticipate having an outline requesting supplemental information for the BiOp ready for ODF?

- **USFWS:** ODF will receive the outline the week of December 5 and can move forward with gathering supplemental information at that point.

HCP FINALIZATION

Cindy Kolomechuk thanked the ST for their review of the HCP in fall 2022. ODF will continue to work with the Services on topics including road and trail miles to ensure that there is sufficient flexibility and certainty for both agencies. ODF will share any changes made to the HCP with the ST for awareness and discussion.

Cindy shared that ODF is starting to think about implementation of the HCP and the ITPs, as well as monitoring and reporting. Operations coordinators are taking a close look at what data will be available to report out to the Services, how ODF will gather data, and any opportunities for automating the reporting process. This will be a large undertaking for ODF, and the agency will continue to work closely with the Services during the early years of implementation to ensure there is alignment around monitoring and reporting processes.

Discussion

Question: Does the above accurately capture the Services' expectations for monitoring and reporting?

- **NOAA Fisheries:** This is a typical process for long-term monitoring, program level consultations. ODF will start with a framework and refine as the agency moves through implementation in the first five years. There will be opportunities to fine tune data collection and how it is reported to the Services. The goal is to create a smooth and efficient process that works for everyone.

RECREATION PROGRAM COMPLIANCE

Melissa Klungle reminded the ST that ODF is planning to complete an inventory of recreation trail and facility infrastructure to prioritize improvements during the permit term. This language was shared with the group in late October and is currently in the working version of the Final HCP.

Discussion

Sylvia Ciborowski asked ST members if they were comfortable moving forward with the recreation program compliance language. The language indicates that during the first five years of HCP implementation, ODF would develop an inventory of recreation trail and facility infrastructure, and subsequently identify segments of the trail system and facilities to prioritize for improvement. ST members were comfortable moving forward with the proposed language.

ROAD AND TRAIL MILES

Melissa Klungle shared that ODF has been working with NOAA Fisheries to provide data for the BiOp and Incidental Take Statement. In the working version of the Final HCP, road miles are currently reported as an overall estimate for the permit area. After conversations with NOAA Fisheries, ODF decided to update estimates by Evolutionarily Significant Unit (ESU) to include road miles that occur within 200 feet of a water body. These road miles will be the most likely to result in impacts to the aquatic environment. Melissa noted that a similar process is underway for the trail network. Updated road data and language will be shared with the ST for review and approval when it is available.

PERMIT/LAND TRANSFER

Melissa Klungle shared that permit and transfer language in Chapter 1 was updated to clarify ODF's intent that if land is swapped or sold it would no longer be covered by the permit. Section 8.11 discussed the permit transfer process and selling of land and associate permit transfer to other entities. This section has been marked for removal because it's not consistent with ODF's intent. Melissa shared proposed language for Chapter 1 clarifying that "any land transfers that occur would not preclude ODF from meeting the HCPs biological goals and objectives for the covered species".

Discussion

Sylvia Ciborowski asked ST members if they were comfortable moving forward with the permit and land transfer language. In general, ST members were comfortable moving forward with the proposed language and raised the following questions and comments.

Question: If DSL decertified a parcel in the HCP that was under DSL management, would DSL be able to operate under ODF's permit?

- **Cindy Kolomechuk:** The ITPs are issued to the state. As part of the state, DSL would have permit coverage if the land was managed under the HCP.

Comment: Consider adding “because the land would be associated with the conservation commitments made under the HCP” to clarify the statement.

Comment: The language clearly identifies ODF’s intent and approach. There are parameters from which an amendment process would be triggered that need to be included before implementation. During implementation, the parameters could be evaluated if they were not realistic.

- **Melissa Klungle:** ODF received comments from the USFWS Regional Office to add clarifying language around implementation and assurances. ODF will follow up with USFWS on these comments and report out to the ST on any changes made to the HCP.

REPORT OUT TO HCP STEERING COMMITTEE

Sylvia Ciborowski asked the ST if they had anything to report to the SC. ST members requested sharing the following updates with the SC:

- BOF updates
- Land transfer language
- Recreation compliance language

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 asked ST members to share their availability for 2023 meetings and determined that meetings would be scheduled the fourth Wednesday of every month from 1-3pm.