

MEETING SUMMARY

WESTERN OREGON STATE FORESTS HCP OPTIONAL SCOPING TEAM MEETING

Tuesday, January 26, 2021, 10:00 am – 11:30 am

By Webinar/Video Conference

ATTENDEES

Participants: Rich Szlemp (USFWS), Kim Garner (USFWS), Rod Krahmer (ODFW), Ryan Singleton (DSL), Jim Muck (NOAA Fisheries), Tere O'Rourke (NOAA Fisheries), Jeff Young (NOAA Fisheries), Mike Wilson (ODF), Nick Palazzotto (ODF), Julie Firman (ODFW), Josh Seeds (DEQ), Brian Pew (ODF)

Technical Consultant and Guests: Troy Rahmig (ICF), David Zippin (ICF)

Facilitation Team: Cindy Kolomechuk (ODF), Sylvia Ciborowski (Kearns & West), Michelle Bardini (Kearns & West)

WELCOME AND INTRODUCTIONS

Sylvia Ciborowski, Kearns & West, welcomed Scoping Team (ST) members to the ST meeting. She explained the ST meeting has been shortened and made optional to provide ST members the opportunity to review the HCP chapters. Meeting participants introduced themselves.

Sylvia reviewed the agenda, which included: 1) HCP Chapter Review Process and Schedule, 2) Discuss HCP Chapters, 3) Discuss January 28 Joint Steering Committee (SC) and Scoping Team (ST) Meeting, and 4) Approach Going Forward, Next Steps, and Summary.

HCP CHAPTER REVIEW PROCESS AND SCHEDULE

Troy Rahmig, ICF, reviewed the HCP, Forest Management Plan (FMP), and National Environmental Policy Act (NEPA) timeline and schedule. Troy presented a graphic that illustrated how the three parallel processes play out in tandem. Key topics of the presentation included:

- The HCP will move into the NEPA process in March. At this time, Oregon Department of Forestry (ODF) will begin FMP development.
- Because the HCP is taking longer than expected to finalize, the NEPA timeline has been extended and will likely conclude in early 2023.

- It is anticipated that the FMP will take longer than originally expected as well and will likely conclude in early 2023. Sarah Lathrop, ODF, is the FMP project manager and will begin in February.
- NOAA Fisheries is completing pre-work for the NEPA process and drafted the Notice of Intent (NOI). It will be circulated internally for review. The agency will also be engaging with Tribes next month.
- There will be a public review process where the public will have the opportunity to review the Environmental Impact Statement (EIS) and the HCP at the same time.
- It is expected that the Record of Decision (ROD) for NEPA will be issued in December 2022.

Discussion:

The ST discussed the HCP, FMP, and NEPA timeline and provided the following questions and comments:

- Suggestion to update the graphic to include when the incidental take permits will need to be acquired. This typically would follow the Board of Forestry's (BOF) decision to adopt the plan and then the incidental take permit would be obtained.
 - ODF/ICF/NOAA Fisheries: Connect on the timing of acquiring the incidental take permit.
- It was noted that the FMP cannot be finalized before the NEPA process is concluded to since the FMP relies on the HCP for ESA compliance. It will be important that the FMP reflect any changes to the HCP that result from the NEPA public review process. It is important to provide an opportunity for the public to review the HCP and EIS as well as evaluate the alternatives. After the public review, both documents will be brought to the BOF.
 - ODF will update the timeline to finalize the FMP at the same time the EIS and HCP are completed.

Troy then reviewed the HCP chapter review process and timeline. Key topics of the presentation included:

- ODF and ICF are working to finalize chapters 4-6 of the HCP and will be sending these chapters to the ST for review shortly. The HCP appendices will be shared with the ST at this time.
- ST members were encouraged to continue reviewing chapters 1-3 and 7-10 and submitting comments to the project team.
- There are a series of ST meetings in February that will focus on discussing the HCP chapters. The intent is to build agendas around the topics of most interest to ST

members. ST members were encouraged to provide topics they would like to discuss at the upcoming meetings.

DISCUSS HCP CHAPTERS

Brian Pew, ODF, reported out on the January 21 stakeholder meeting with conservation interests. Key take-aways from the meeting included:

- Stakeholders expressed concern about landslides initiation sites and steep slopes.
- There is an opportunity for ODF to clarify their language, processes, and strategies and increase transparency to build stakeholder trust.
- The project team may schedule a follow-up stakeholder meeting, but the timing of the meeting is to be determined.

Discussion:

The ST discussed the January 21 conservation stakeholder meeting and provided the following comments:

- It seems the concern is around the location of landslide initiation areas and how ODF identifies them. It is important to be transparent about how the agency made that decision and the science used. Adding detail around the methodology and prescriptions used in the HCP would be helpful.
 - Suggestion to include ODF's methodology and models around landslide initiation sites as an appendix to the HCP. The HCP currently describes this at a high-level, but additional detail can be added.
- It was clarified the stakeholders are overall supportive of the Riparian Conservation Areas (RCAs), however, concern remain about landslide prone terrain, some of which may be outside of RCAs. The HCP is a document to support species permitting, so the goal of the HCP is to not specifically to improve water quality but to increase suitable habitat for covered species. However, the HCP can support water quality objectives as well, such as addressing temperature management. A member expressed interest in reviewing conservation stakeholders' science and data regarding landslide initiation sites and the thresholds for identifying those areas. It would be helpful to understand what areas are not already covered by the RCAs.
 - Suggestion to use LIDAR across the permit area to determine what slopes are prone to landslides and develop a map to show where these areas are.
- Suggestion for NOAA Fisheries to clarify road action and explain how roads will not contribute to landslides as they did in the 90's.

- ODF to send landslide and steep slope information, including the LIDAR work and the geotechnical engineers' methodology, to the ST and stakeholders for a point of reference.
- Overall, most conservation stakeholders do view the HCP as a good overall package to provide suitable habitat for the covered species.

Troy then framed discussion on the HCP chapters and sought key comments and feedback from the ST. He reviewed key changes to the HCP in response to NOAA Fisheries comments which included:

- Removed fertilizer application and grazing as covered activities in the HCP.
- It was clarified that the map in the HCP that identifies the permit and plan area is final and correct.
- ODF reported out on Santiam post fire recovery efforts and noted there were several timber sales and some that will be in auction soon. The RCA buffers were used for these restoration sales. This was an opportunity to get field staff established with new the procedures and acted as a beta test.

Discussion:

ST members discussed the HCP chapters and provided the following questions and comments:

- What recreation activities will be permitted in the riparian areas? It will be important to establish boundaries and clarify the activities in the permit.
 - ODF clarified where recreation facilities and activities are permitted. Recreation infrastructure inside RCAs would be site specific (i.e., a boat ramp or a trail). It is rare for recreation to cross into RCAs. There will not be much recreation expansion due to current budget constraints.
 - To address this in the HCP, ODF could create a new conservation action specific to recreation or include it in the conservation action that deals with operations. There is also an opportunity to include recreation as a covered activity.
 - Suggestion to include information in the HCP that states how the effects of recreation in RCAs would be minimized.
- Question around whether quarries be allowed in RCAs.
- Suggestion to clarify the language in the HCP around complying with the Forest Practices Act (FPA) and seeking to reach biological objectives.
- In chapter 7, there is language that states the RCA and HCA boundaries would not be changed during the permit term. Suggestion to update the language to allow flexibility to make changes to the boundaries if needed.

- Suggestion to update the language in the HCP around wildfires to include both natural and human caused fires.

Sylvia noted that the next ST meeting will provide opportunity to review and discuss the draft HCP chapters. We seek to discuss topics of most interest. Members were encouraged to send the project team agenda topics for upcoming ST meetings.

A member noted the shortened ST meetings are helpful to allow time to review the draft chapters.

DISCUSS JANUARY 28 JOINT ST-SC MEETING

Sylvia reminded members of the January 28 Joint ST-SC meeting as well as the upcoming ST, SC, and stakeholder meetings. She reviewed the process to elevate issues to the SC. The ST member should first work with SC member on a specific issue and let ODF know so that there can be agency coordination if needed outside of SC meetings. The SC member would make the decision on whether to elevate the topic for full SC discussion. Sylvia noted that the March 4 SC meeting would be the meeting for SC members to bring forward any issues that have been elevated.

Sylvia then encouraged the ST to identify unique and collaborative strategies the ST has utilized throughout the process and key successes to highlight at the 1/28 joint ST-SC meeting.

The ST also identified some topics or stakeholder concerns that were important to share with the SC so we can develop talking points and ensure consistent messaging. Key topics to discuss with the SC included:

- Landslide initiation sites and steep slopes.
- The difference between the HCP and Clean Water Act compliance, including a summary of the legal framework.
 - Josh Seeds, Department of Environmental Quality (DEQ), to develop talking points around the regulatory structure for the Clean Water Act and Total Maximum Daily Loads (TMDLs). A member suggested including information on sediment TMDLs as well.

ST members were encouraged to email the project team with any topics to discuss during the 1/28 Joint SC-ST meeting.

APPROACH GOING FORWARD, NEXT STEPS, AND SUMMARY

Sylvia thanked members for their participation and reviewed upcoming meetings. The next ST meeting is scheduled for February 2 from 10 am – 12 pm.

ACTION ITEMS

The following action items were identified throughout the meeting:

- ODF/ICF/NOAA Fisheries: Discuss the timing of acquiring the incidental take permit.
- ODF/ICF: Update the HCP, FMP, and NEPA graphic and timeline so that the FMP is finalized at the same time the EIS and HCP are completed. Include when the incidental take permits will need to be acquired.
- ODF: Send landslide and steep slope information and methodology to the ST and stakeholders.
- ST: Review chapters 1-3 and 7-10 and submit comments to the project team.
- ODF/ICF: Send chapters 4-6 and HCP appendices to the ST.
- ST: Send the project team agenda topics/items to discuss at upcoming ST meetings.
- Josh Seeds: Develop talking points around the regulatory structure for the Clean Water Act and TMDLs.